

Child Care Facility Handbook



~~October~~ Month 2026~~1~~

The most up-to-date version can be found online at [\(Click here for link\)](#).

This handbook is intended to be used in conjunction with Sections 402.26-402.319, Florida Statutes, and incorporated by reference in rule 65C-22.~~004~~,001, Florida Administrative Code.

Contents

Contents	2
1 General Information.....	12
1.1 Child Care Programs Subject to Regulation	13
1.2 Child Care Advisory Council	13
1.3 Council Members.....	13
1.4 Officers	13
1.5 Meeting.....	14
1.6 Amending and Repealing Child Care Rules	14
1.7 Definitions	14
2 General Requirements	25
2.1 License Application Process or Renewal	25
2.2 License or Certificate Required.....	26
2.2.1 Certificate of Compliance Facilities	2647
2.2.2 Certificate of Substantial Compliance Facilities.....	2647
2.2.3 License Application and Change of Ownership.....	2748
2.2.4 Documentation Needed for Licensure.....	2849
2.2.5 License Renewal	3024
2.3 Type of License	31
2.3.1 Provisional License.....	3122
2.3.2 Probationary License	3122
2.4 Disciplinary Actions.....	31
2.4.1 Exclusion, Hearing Provided, Denial or Revocation of License or Evening Care Approval	3123
2.4.2 Intent to Deny, Revoke, or Convert to a Probationary License	3223
2.5 Advertisement.....	33
2.6 Fees	33
2.7 Minimum Age and Staff Requirements	34
2.8 Ratios	34
2.8.1 Mixed Age Groups	3425
2.8.2 Ratios For School-Aged Child Care Facility	3526
2.9 Supervision	35
2.9.1 General Supervision Requirements.....	3526
2.9.2 Nap time Supervision	3627

2.9.3	Evening Supervision	3627
2.9.4	Meal time Supervision	3627
2.9.5	Water Activity Supervision.....	3627
2.9.6	Transportation Supervision	3828
2.9.7	Supervision In School-Age Child Care Program	3928
2.10	Evening Requirements.....	39
2.11	Transportation	39
2.11.1	Driver Requirements	4030
2.11.2	Transportation Log.....	4130
2.11.3	Emergency Care Plans	4334
2.11.4	Vehicle Requirements	4334
2.11.5	Seat Belt/Child Restraints	4533
2.12	Planned Activities.....	46
2.13	Field Trip Activities	48
2.14	Child Discipline	49
3	Physical Environment.....	50
3.1	General Health and Safety Requirements	50
3.2	Toxic/Hazardous Material/Firearms/Weapons	54
3.3	Rooms Occupied by Children.....	54
3.3.1	Lighting	5438
3.3.2	Windows and Screens	5438
3.3.3	Temperature and Ventilation	5439
3.4	Licensed Capacity.....	54
3.4.1	Licensed Capacity.....	5539
3.4.2	Indoor Square Footage/Usable Floor Space.....	5539
3.4.3	Multipurpose Rooms	5640
3.4.4	Outdoor Square Footage.....	5741
3.5	Outdoor Play Area.....	57
3.6	Napping/Sleeping Requirements.....	58
3.6.1	Rest Areas For School-Age Only Programs.....	5842
3.6.2	Bedding and Linens	5942
3.6.3	Nap/Sleep Space	5943
3.6.4	Crib Requirements	5943
3.6.5	Safe Sleep	6043
3.7	Restrooms and Bath Facilities.....	60
3.8	Fire Safety and Emergency Preparedness	6245
3.8.1	Operable Phone.....	6245

3.8.2	Fire Safety	6245
3.8.3	Exit Areas	6245
3.8.4	Fire Drills	6346
3.8.5	Emergency Preparedness	6346
3.8.6	After a Fire, Man-made, or Natural Disaster	6447
3.8.7	Emergency Procedures	6447
3.9	Food Preparation/Food Service	64
3.9.1	Food Preparation Area	6447
3.9.2	Food Storage	6648
3.9.2	Food Safety	6749
3.9.3	Meals and Snacks Schedule	7052
3.9.4	Dishwashing and Sanitization	7052
3.9.5	Food Handling	7153
3.9.6	Breastmilk, Infant Formula, and Food	7353
3.9.7	Bottle Warming	7454
3.9.8	Drinking Water	7455
3.10	Sanitation	75
3.10.1	Handwashing	7555
3.10.2	Diapering Requirements	7556
3.11	Indoor Equipment	7757
3.12	Outdoor Equipment	7757
4	Training	7858
4.1	Beginning Training	7858
4.2	Training Requirements	8059
4.2.1	Mandated Introductory Training	8059
4.2.2	Early Literacy Training	8059
4.2.3	Safe Sleep/ Shaken Baby Syndrome Training	8160
4.2.4	First Aid and Cardiopulmonary Resuscitation (CPR)	8160
4.2.5	Fire Extinguisher Training	8260
4.2.6	Transportation Training	8260
4.2.7	Annual In-Service Training	8264
4.3	Mandated Introductory Training for School-Age Child Care Facility	8362
4.4	Break in Service	8462
4.5	Training Exemptions	8462
4.5.1	Competency Examination Exemptions	8463
4.5.2	Literacy Training Exemption For School-Age Child Care Facility	8463
4.5.3	Educational Exemptions	8463

4.5.4	Part II Exemption	8563
4.6	Documentation of Training	8563
4.7	Staff Credentials.....	8564
4.7.1	Calculating Number of Credentialed Personnel Necessary	8664
4.7.2	Training Documentation	8665
4.7.3	Staff Credential Renewal.....	8765
4.7.4	Staff Credential Exemption.....	8766
4.8	Director Credential	8766
4.8.1	Director Credential Requirements for Before-School and/or After-School Sites Only	8867
4.8.2	Director Credential Renewal	8967
4.9	Training Providers	8967
4.9.1	Part I and Part II Training Providers	8967
4.9.2	Florida Birth through Five and School-Age FCCPC Child Care Professional Credential Training Program Providers	9068
4.9.3	Director Credential Training Providers.....	9169
5	Background Screening	9270
5.1	Initial Screening	9270
5.2	Re-Screening.....	9472
6	Health Requirements.....	9472
6.1	Communicable Disease Control	9472
6.1.1	Isolation Area	9573
6.1.2	Outbreaks	9573
6.2	First Aid Kit Minimum Requirements.....	9774
6.3	Emergency Telephone Numbers.....	9774
6.4	Accident/Incident Notification.....	9875
6.5	Medication	9975
7	Record Keeping	10076
7.1	Immunization Records	10379
7.2	Student Health Records	10579
7.3	Enrollment Information	10780
7.4	Personnel Records.....	10784
7.4.1	Background Screening Documents	10884
7.5	Daily Attendance	10982
8	Drop-in Child Care.....	11082
8.1	Ratios	11082
9	Physical Environment	11083

9.1	Outdoor Play Area	11083
9.2	Fire Safety	11183
9.3	Napping/Sleeping Requirements	11183
9.4	Planned Activities	11183
10	Record Keeping	11183
10.1	Daily Attendance.....	11183
10.2	Immunization and Student Health Records	11183
11	Food and Nutrition	11183
12	Access/Child Safety	11183
12.1	Access	11183
12.2	Child Safety	11284
13	Classification of Violation	11284
13.1	Disciplinary Sanctions.....	11385
	Contents	2
1	General Information	6
1.1	Child Care Programs Subject to Regulation.....	7
1.2	Child Care Advisory Council	7
1.3	Council Members.....	7
1.4	Officers	7
1.5	Meeting.....	8
1.6	Amending and Repealing Child Care Rules.....	8
1.7	Definitions	8
2	General Requirements	19
2.1	License Application Process or Renewal	19
2.2	License or Certificate Required.....	20
2.2.1	Certificate of Compliance Facilities	20
2.2.2	Certificate of Substantial Compliance Facilities	20
2.2.3	License Application and Change of Ownership	21
2.2.4	Documentation Needed for Licensure	22
2.2.5	License Renewal	24
2.3	Type of License	24
2.3.1	Provisional License.....	25
2.3.2	Probationary License	25
2.4	Disciplinary Actions	25
2.4.1	Exclusion, Hearing Provided, Denial or Revocation of License or Evening Care Approval	25
2.4.2	Intent to Deny, Revoke, or Convert to a Probationary License	26

2.5	Advertisement.....	27
2.6	Fees	27
2.7	Minimum Age and Staff Requirements.....	28
2.8	Ratios	28
2.8.1	Mixed Age Groups	28
2.9	Supervision.....	29
2.9.1	General Supervision Requirements.....	29
2.9.2	Nap time Supervision	30
2.9.3	Evening Supervision	30
2.9.4	Meal time Supervision	30
2.9.5	Water Activity Supervision.....	31
2.9.6	Transportation Supervision	32
2.10	Evening Requirements.....	32
2.11	Transportation	33
2.11.1	Driver Requirements	33
2.11.2	Transportation Log.....	34
2.11.3	Emergency Care Plans	36
2.11.4	Vehicle Requirements	36
2.11.5	Seat Belt/Child Restraints	38
2.12	Planned Activities	39
2.13	Field Trip Activities.....	41
2.14	Child Discipline	41
3	Physical Environment	43
3.1	General Health and Safety Requirements.....	43
3.2	Toxic/Hazardous Material/Firearms/Weapons	47
3.3	Rooms Occupied by Children	47
3.3.1	Lighting	47
3.3.2	Windows and Screens	47
3.3.3	Temperature and Ventilation	47
3.4	Licensed Capacity	47
3.4.1	Licensed Capacity.....	48
3.4.2	Indoor Square Footage/Usable Floor Space.....	49
3.4.3	Multipurpose Rooms	49
3.4.4	Outdoor Square Footage.....	51
3.5	Outdoor Play Area	51
3.6	Napping/Sleeping Requirements	52
3.6.1	Rest Areas For School-Age Only Programs.....	52

3.6.2	<u>Bedding and Linens</u>	53
3.6.3	<u>Nap/Sleep Space</u>	53
3.6.4	<u>Crib Requirements</u>	53
3.6.5	<u>Safe Sleep</u>	54
3.7	<u>Restrooms and Bath Facilities</u>	54
3.8	<u>Fire Safety and Emergency Preparedness</u>	56
3.8.1	<u>Operable Phone</u>	56
3.8.2	<u>Fire Safety</u>	56
3.8.3	<u>Exit Areas</u>	56
3.8.4	<u>Fire Drills</u>	57
3.8.5	<u>Emergency Preparedness</u>	58
3.8.6	<u>After a Fire, Man-made, or Natural Disaster</u>	59
3.8.7	<u>Emergency Procedures</u>	59
3.9	<u>Food Preparation/Food Service</u>	59
3.9.1	<u>Food Preparation Area</u>	59
3.9.2	<u>Food Storage</u>	60
3.9.3	<u>Food Safety</u>	61
3.9.4	<u>Meals and Snacks Schedule</u>	65
3.9.5	<u>Dishwashing and Sanitization</u>	66
3.9.6	<u>Food Handling</u>	67
3.9.7	<u>Breastmilk, Infant Formula, and Food</u>	69
3.9.8	<u>Bottle Warming</u>	71
3.9.9	<u>Drinking Water</u>	71
3.10	<u>Sanitation</u>	71
3.10.1	<u>Handwashing</u>	72
3.10.2	<u>Diapering Requirements</u>	73
3.11	<u>Indoor Equipment</u>	75
3.12	<u>Outdoor Equipment</u>	75
4	<u>Training</u>	76
4.1	<u>Beginning Training</u>	76
4.2	<u>Training Requirements</u>	78
4.2.1	<u>Mandated Introductory Training</u>	78
4.2.2	<u>Early Literacy Training</u>	78
4.2.3	<u>Safe Sleep/ Shaken Baby Syndrome Training</u>	79
4.2.4	<u>First Aid and Cardiopulmonary Resuscitation (CPR)</u>	79
4.2.5	<u>Fire Extinguisher Training</u>	81
4.2.6	<u>Transportation Training</u>	81

4.2.7	<u>Annual In-Service Training</u>	81
4.3	<u>Break in Service</u>	82
4.4	<u>Training Exemptions</u>	82
4.4.1	<u>Competency Examination Exemptions</u>	82
4.4.2	<u>Educational Exemptions</u>	84
4.4.3	<u>Part II Exemption</u>	84
4.5	<u>Documentation of Training</u>	84
4.6	<u>Staff Credentials</u>	85
4.6.1	<u>Calculating Number of Credentialed Personnel Necessary</u>	85
4.6.2	<u>Training Documentation</u>	87
4.6.3	<u>Staff Credential Renewal</u>	87
4.7	<u>Director Credential</u>	87
4.7.1	<u>Director Credential Requirements for Before School and/or After School Sites Only</u>	89
4.7.2	<u>Director Credential Renewal</u>	91
4.8	<u>Training Providers</u>	91
4.8.1	<u>Part I and Part II Training Providers</u>	91
4.8.2	<u>Florida Birth through Five and School Age FCCPC Child Care Professional-Credential Training Program Providers</u>	92
4.8.3	<u>Director Credential Training Providers</u>	93
5	<u>Background Screening</u>	94
5.1	<u>Initial Screening</u>	94
5.2	<u>Re-Screening</u>	95
6	<u>Health Requirements</u>	97
6.1	<u>Communicable Disease Control</u>	97
6.1.1	<u>Isolation Area</u>	99
6.1.2	<u>Outbreaks</u>	99
6.2	<u>First Aid Kit Minimum Requirements</u>	100
6.3	<u>Emergency Telephone Numbers</u>	100
6.4	<u>Accident/Incident Notification</u>	101
6.5	<u>Medication</u>	102
7	<u>Record Keeping</u>	104
7.1	<u>Immunization Records</u>	106
7.2	<u>Student Health Records</u>	108
7.3	<u>Enrollment Information</u>	110
7.4	<u>Personnel Records</u>	110
7.4.1	<u>Background Screening Documents</u>	111
7.5	<u>Daily Attendance</u>	112

8—Specialized Child Care Facilities for the Care of Mildly Ill Children.....	113
8.1—General information	113
8.2—License	113
9—Ratios	113
9.1—Mixed Age Group.....	113
10—Planned Activities	114
10.1—Schedule of Activities.....	114
11—Physical Environment	114
11.1—Sanitation and Safety.....	114
11.2—Toilet and Bath Facilities.....	114
12—Minimum Personnel Requirement.....	114
12.1—Minimum Age Requirement.....	115
12.2—Minimum Training Requirements	115
13—Health and Safety Requirements	115
13.1—Food handling and Drinking Water.....	115
13.2—Diapering Requirement.....	115
13.3—Indoor Equipment	115
13.4—Fire Safety	115
14—Emergency Procedures and Notification	116
15—Dispensing of Medication.....	116
16—Food and Nutrition	116
16.1—Nutrition	116
16.2—Food Preparation Area.....	116
17—Record Keeping	116
17.1—Children's Record	116
17.2—Other Records	117
18—Drop-in Child Care	117
18.1—Ratios	117
19—Physical Environment	118
19.1—Outdoor Play Area	118
19.2—Direct Communication.....	118
19.3—Fire Safety	118
19.4—Napping/Sleeping Requirements	118
19.5—Planned Activities	118
20—Record Keeping	118
20.1—Daily Attendance.....	118
20.2—Immunization and Student Health Records.....	118

21—Food and Nutrition	118
22—Access/Child Safety	119
22.1—Access	119
22.2—Child Safety	119
23—Classification of Violation	119
23.1—Disciplinary Sanctions	120

1 IntroductionGeneral Information

To protect the health and welfare of children, ~~it is the intent of the Legislature to develop~~ a regulatory framework that promotes the growth and stability of the child care industry and facilitates the safe physical, intellectual, motor, and social development of the child. The State of Florida Department of Children and Families ("DCF") is responsible for child care in most counties in Florida. The Board of County Commissioners ("Commission") of Palm Beach County, acting in the capacity as the Child Care Facilities Board, is the local licensing agency for child care facilities, family day care homes, and large family child care homes in this county.

In 1959, the Legislature passed Chapter 59-1698, Special Acts, Laws of Florida ("Act") creating a local licensing agency for child care facilities and family day care homes in Palm Beach County. Pursuant to the Act, Commission appointed members to the 'Child Care Advisory Council' ("Council") to grant, deny, suspend, and revoke licenses to operate child care facilities and family day care homes in Palm Beach County. The Council can also grant provisional licenses, convert licenses to probationary status, and issue Certificates of Compliance and Substantial Compliance.

~~To that end, the Child Care Regulation Program~~ The Act further established that the Director of the Florida Department of Health in Palm Beach County ("DOH-Palm Beach") is responsible for regulating programs that provide ~~is responsible for regulating programs that provide~~ services that meet the statutory definition of "child care." This is accomplished through the inspection of licensed child care programs to ensure the consistent statewide application of child care standards established in statute and these rules, and the registration of child care providers not subject to inspection. Pursuant to the Act, DOH-Palm Beach Director is also charged with the administration and financial responsibility of carrying out the duties of the Council, including but not limited to, issuing licenses or certificates after Council approval. As a local licensing agency, Palm Beach County has stricter rules than the state in some instances, but otherwise follows DCF laws, administrative rules, and standards for child care licensing and enforcement. Sections 402.26 through 402.319, Florida Statutes (F.S.) and Chapter 65C-22, 65C-25, and 64D-3 Florida Administrative Code (F.A.C.) are incorporated herein as part of the Palm Beach County Rules regulating child care facilities.

The Department DOH-Palm Beach regulates licensed child care facilities, licensed family day care homes, and licensed large family child care homes, and licensed mildly ill facilities in 62 of the 67 counties in Florida in incorporated and unincorporated Palm Beach County. Five counties have decided either by statute or by the adoption of a local ordinance or resolution to designate a local licensing authority to regulate child care providers in their areas. The following counties have elected to exercise this option: Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota.

Local licensing agencies may use the same or different procedures to implement local licensing standards, which must have been determined by the state to meet or exceed the state's minimum licensing standards. Three of the five local licensing agencies have designated the local county health department as the licensing authority. Broward and Hillsborough counties have designated other agencies as the local licensing authority.

A copy of the Sections 402.26 - 402.319, (F.S.) Child care, may be accessed at ([Click here](#))

for the link).

A copy of Chapter 65C-22, F.A.C. Child Care Standards, may be accessed at (Click here for the link).

A copy of the Chapter 64D-3, F.A.C. Control of Communicable Diseases and Conditions which may Significantly affect Public Health, may be accessed at (Click here for the link).

1.1 Child Care Programs Subject to Regulation

"Child care," is defined as "the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care." If a child care program meets this statutory definition of "child care", in Palm Beach County, Florida "it is subject to regulation by ~~the Department/local licensing agencies~~ DOH-Palm Beach, unless specifically excluded or exempted from regulation by statute.

~~Every program determined to be subject to licensing must meet the applicable licensing standards established by subsection 402.301-.319, Florida Statutes, and rules.~~

1.2 Child Care Advisory Council

The Commission, sitting as the Child Care Facilities Board, appoints the Council to act on the Commission's behalf as the local licensing agency for the purposes of issuing, denying, and revoking licenses, certificates of compliance, and certificates of substantial compliance.

1.3 Council Members

Members of the Council shall serve at the pleasure of the Commission and may be removed without cause at any time. The Council shall be composed of seven members consisting of the following: Two members who represent and operate as a private enterprise a facility regulated hereunder; one of whom operates a family day care home or a large family child care home. One member who represents and operates a parochial facility regulated hereunder. One member who represents a consumer protection enforcement official. One member for fire protection, engineering, or technology. One member who, at the time of appointment, was a parent of a child in a facility regulated hereunder. One member who represents DCF.

- A. A term is for three years, and no Council member shall serve more than three terms.
- B. Members of the Council shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting.
- C. Any vacancy during a term shall be filled for the unexpired portion of the term and shall not count toward the member's term limits.
- D. Members of the Council shall be residents of Palm Beach County, Florida at the time of appointment and while serving on the Council.
- E. Members of the Council must follow State Code of Ethics and the County Ethics Code.

1.4 Officers

At an annual organizational meeting, the Council shall elect a Chair and Vice-Chair from among the members. The term of Chair and Vice-Chair shall be one year. The Chair shall

oversee all procedures before the Council and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Council. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all the powers of the Chair.

1.5 Meeting

- A. The location of all meetings shall be in Palm Beach County, Florida.
- B. If a matter is postponed due to lack of a quorum, the item shall be scheduled to the next regularly scheduled meeting, unless a Special Call meeting is convened.
- C. Meetings may be called by the Chair of the Council in writing by a majority of the members of the Council or orally by a majority of the members of the Council at any meeting.
- D. All meetings and public hearings shall be open to the public and comply with Chapter 286, Sunshine Laws.
- E. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the Council pursuant to Section 286.0105, F.S.
- F. All meetings shall be governed by Robert's Rule of Order.

4-21.6 Amending and Repealing Child Care Rules

- A. No rules and regulations of the Commission shall be adopted or become effective until after a public hearing has been held pursuant to notice published in a newspaper of general circulation in Palm Beach County at least ten (10) days prior to the hearing.
- B. When approved by the Commission, and filed with the Clerk of the Commission, such rules and regulations have the force and effect of law.
- C. To ensure that statistical data is available, DOH-Palm Beach shall report quarterly to DCF, and Council, the number of family day and child care facilities under the jurisdiction of the County, and the number of revocations and denials of licenses during the previous year.

4-31.7 Definitions

“Active” is the status of a candidate’s awarded credential or certification signifying requirements have been successfully met.

“Age appropriate” means of the right size, child-sized, or adapted so that a child can use safely, and suitable to the chronological age range and developmental characteristics of a specific age group of children or child. This means the materials/equipment should interest and challenge children in terms of their age and abilities. Any materials/equipment with a specified age range by the manufacturer must be followed when being used by children.

“Before-School and After-School site” refers to a program, regardless of location, that provides child care for children who are at least five (5) years old and are enrolled in, and attend, —a kindergarten program or grades one and above during a school district’s academic calendar year. This is limited to programs that provide care only before and after the recognized hours of a district’s school day, and on teacher planning days, holidays, and intercessions that occur during the school district’s official academic calendar year.

“Begin training for child care personnel” refers to a candidate’s commencement of at least one of the child care training courses listed in section 402.305(2)(e)1, F.S. within the first ninety (90) days of employment in the child care industry.

“Birth Through Five Child Care Credential” is equivalent to a child development associate credential, pursuant to Section 402.305(3)(ab), F.S., and offered through one of the following programs: Florida Child Care Professional Credential (FCCPC), Florida Department of Education Child Care Apprenticeship Certificate (CCAC), and Florida Department of Education Early Childhood Professional Certificate (ECPC). Issuance of a Birth Through Five Child Care Credential certifies successful completion of a Department DCF- approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) years, and a formal observation. Credentials must be documented on CF-FSP Form 5270, Florida Child Care Professional Credential Certificate, which is incorporated by reference in rule 65C-22.001(7)(j), F.A.C. A copy of CF-FSP 5270 may be obtained from the DCF department’s website at www.myflfamilies.com/childcare. (Click here for link). Active credentials are valid for five (5) years from the date of issuance. A list of approved and recognized Birth Through Five (5) Child Care Credential programs may be obtained from the DCF department’s website at www.myflfamilies.com/childcare. (Click here for link).

“Caterer” means a duly-licensed food service business that provides ready-to-be-served meals to a provider. A copy of the license or permit must be in the child care facility and available for review by the licensing authority.

“Certificate of compliance” A document issued in lieu of a license to a bona fide religiously affiliated child care program that complies with the minimum standards of health and safety set forth in these rules, and which apply for such certificate. Unless specifically indicated in these rules, all rules and regulations applicable to licensed child care facilities apply equally to certificate of compliance facilities.

“Certificate of substantial compliance” A document in the form of a certificate, issued in lieu of a license to a non-public school for a program for children who are at least three (3) years of age, but under (5) five years of age that need not be licensed provided: (a) the programs in the non-public schools are operated and staffed directly by the non-public schools; (b) a majority of the children enrolled in the schools are five (5) years of age or older; (c) there is compliance with the screening requirements for personnel pursuant to these rules; and (iv) the program substantially complies with the minimum child care standards promulgated by these rules. All rules and regulations applicable to licensed facilities apply equally to certificate of substantial compliance facilities, unless specifically exempted in these rules.

“Child care facility” includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- a. Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;
- b. Summer camps having children in full-time residence;
- c. Summer day camps;
- d. Bible schools normally conducted during vacation periods; and
- e. Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child

care personnel of the establishment are screened according to the level two (2) screening requirements of chapter 435.

“Child care personnel” all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of twelve (12) years, of a child care facility operator’s family, or person, over the age of twelve (12) years, residing with a child care facility operator if the child care facility is located in, or adjacent to, the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator’s family, or persons residing with the operator, who are between the ages of twelve (12) years and eighteen (18) years are not required to be fingerprinted, but must be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs that provide care for children fifteen (15) hours or more each week in public or nonpublic schools, family day care homes, membership organizations under s. 402.301, or programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school’s program for grades kindergarten through twelve (12). A volunteer who assists on an intermittent basis for less than ten (10) hours per month is not included in the term “personnel” for the purposes of screening, and training, if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

“Child Enrichment Service Provider” An individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children, during a specific time, that is not part of the regular program in a childcare facility.

“Classroom/Room/Designated Space” means a learning space, or room, in which care is provided, or classes are held and where learning can take place uninterrupted by outside distractions. The designation of space as a classroom must be reviewed, and approved, by the licensing authority prior to its use as such. If floor to ceiling walls are not present, the classroom walls must be defined by stable barriers, and must adhere to the requirements for such barriers as outlined in this section.

“College Degree” means a degree obtained from an institution accredited by an agency that is recognized as an accrediting agency by the U.S. Department of Education. If a college degree is earned outside the U.S., it must be evaluated by a credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university, and determined to be equivalent to a U.S. degree.

“Continuing Education Unit (CEU)” is a standard unit of measure of coursework used for training and credentialing purposes. The Department DCF will accept CEUs for training offered by the Department DCF, Office of Early Learning, from educational institutions accredited and recognized by the U.S. Department of Education, organizations accredited by the International Association of Continuing Education and Training (IACET), or from nationally affiliated member-based state professional organizations, see definition below. CEUs awarded for training and credential purposes will be calculated at a rate of one (1)

continuing education unit for every ten (10) hours of contact training.

“Direct supervision” means actively watching and directing children’s activities within the same room, or designated outdoor play area, during transportation, any activity outside of the facility, and responding to the needs of each child while in care.

“Director” means “operator” as defined in section 402.302(13), F.S., who is the on-site administrator or individual who has the primary responsibility for the day-to-day operation, supervision, and administration of a child care facility.

“Director Credential” is a [Department DCF](#)-approved comprehensive credential that consists of educational and experiential requirements as referenced in [section 4.7 of this handbook these Rules](#).

“Disposable” means an article intended by the manufacturers to be used once and then thrown away.

“Drop-in child care” means child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted.

“Early Childhood Education” refers to coursework, certification, a credential, or degree specific to children ages birth through eight years.

“Evening Care” childcare provided during the evening hours and may encompass the hours of 6 p.m. to 7 a.m. to accommodate parents who work evenings and late-night shifts.

“Fall/Use zone” means the surface area under and around a piece of playground equipment onto which a child would be expected to land when falling from, or exiting, the playground equipment. The use zone must extend a minimum of [six \(6\)](#) feet in all directions from the perimeter of the playground equipment, unless manufacturer specifications for safe usage requires less fall/use zone material.

“Field trip” means any trip away from the child care center. Field trips commence when child care personnel and children leave the facility’s premises, whether by vehicle or by walking.

“Food equipment” means all stoves, ranges, crock pots, microwaves, hoods, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, and other items used in the preparation, reheating, and serving of food, with the exception of utensils.

“Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents are required to have 100% attendance of [the Department DCF’s](#) following training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be by either instructor-led or online training and does not require a competency exam. Foster grandparents must begin training within [thirty \(30\)](#) days of working in the child care industry in any licensed Florida child care facility, family day care home, or large family child care home. Training must be completed within one (1) year from the date of working in the child care industry in any licensed Florida child care facility. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders, or other similar positions.

“High School Diploma or GED” means a diploma or GED, or their equivalent as recognized and accredited by the U.S. Department of Education or its equivalent at the state level. If a high school diploma is earned outside the U.S., it must be translated and evaluated by someone who is a member of the American Translators Association, a credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university and must be determined to be equivalent to a U.S. high

school diploma or GED or their equivalent. High school diplomas issued by private schools that are registered with or recognized by the Florida Department of Education or its equivalent in other states will be accepted.

“Indoor recreational facility” an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with or without food service, and which provides childcare for a particular child no more than four (4) hours on any one day. An indoor recreational facility must be licensed as a childcare facility pursuant to these rules, but is exempt from the minimum outdoor-square-footage-per-child requirement in these rules, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space designated for indoor play or fitness activities.

“Immediate” means occurring, acting, or accomplished without loss or interval of time.

“Inactive” refers to the status of a candidate's awarded credential or certification that is no longer active; however, the credential remains eligible for renewal.

“Initial Screening” means a full Level two (2) screening which must include, at a minimum, Federal Bureau of Investigation (FBI) and Florida Department of Law Enforcement (FDLE)

checks, a search of the criminal history records, sexual predator and sexual offender registry, and child abuse and neglect registry of any state in which the applicant is currently residing or has resided in during the preceding five (5) years.

"International Association of Continuing Education and Training (IACET)" is a non-profit organization that is recognized by the American National Standards Institute as a standard setting organization for continuing education and training.

"Licensed capacity" the maximum number of children, or infants, that may be cared for by a facility at any one time whether on or off facility premises. This includes children away from the facility on field trips. Licensed capacity shall be based on the minimum requirements of these rules, including indoor usable space measurements, outdoor play area measurements, as well as the number of toilets, lavatories, and water fountains. For the purposes of this rule, licensed capacity is the equivalent of the approved capacity in facilities receiving certificates in lieu of a license.

"Napping" means a brief period of rest during daylight or early evening hours.

"National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early childhood credential recognized by ~~the Department~~ DCF and recognized by licensing authorities in at least five states that incorporates 120 hours of early childhood instruction, and 480 contact hours with children ages birth through eight (8) years, and that includes at least two methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, D.C. A National Early Childhood Credential renewal must meet, or exceed, the renewal requirements for the Florida Child Care Professional Credential. If the renewal requirements do not meet, or exceed, the FCCPC renewal requirements, individuals will be required to complete an FCCPC renewal. A list of recognized NECC programs may be obtained from ~~the Department~~ DCF's website at www.myflfamilies.com/childcare. (Click here for link).

"Nationally Affiliated Member-Based State Professional Organization" means an organization that has the following characteristics: they are chapters or officially affiliated with a national child care advocacy organization that for over 20 years has provided members with opportunities to use and strengthen professional skills that benefit children, families, providers, and members at the local and state level, offer advocacy opportunities to raise awareness of the importance of child care education through a unified organizational voice, and offer professional development for members through opportunities to access local and state resources, and to network with child care and educational professionals. Examples of such organizations are the Florida Association for the Education of Young Children, Inc. and Florida Family Child Care Home Association, Inc. The term member-based state professional organization does not include an organization that provides primarily training opportunities.

"Owner" the person(s) or entity who bear(s) legal ownership of the childcare facility operation, or business, and has ultimate responsibility for the overall operation, administration, and compliance with rules and regulations governing childcare facilities. This responsibility shall not be delegated or assigned.

"Potentially hazardous food" means any food that requires time-temperature control (refrigeration or hot holding) and contains ingredients such as milk, milk products, eggs, meat, poultry, fish, shellfish, cooked plant food (rice, beans, vegetables, and baked potatoes), tofu, other soy-protein products, mushrooms, cut melon, cut tomatoes, raw sprouts, and untreated garlic/oil mixtures.

“Preparation of food” includes the selection and portioning, or combining, of ingredients to create food (including bottle preparation) intended for consumption. This definition is not limited to cooking. Excluded from the definition are warming of pre-prepared bottles and pre-prepared food (such as catered food and food provided by a child’s parent or guardian), assisting a child with food provided by the child’s parent or guardian, distributing individually pre-packaged snacks, and learning activities provided by a child care program that may include raw or prepared food. A learning activity may not replace a regularly scheduled meal.

“Professional contribution,” for the purpose of Director Credential renewal, demonstrates a dedication to early childhood, or school-age, education outside of the child care program responsibilities by engaging in activities that improve the field of early childhood, or school-age, education. Examples of such a contribution are: active

participation in an appropriate professional organization, publishing an article related to early childhood, or school-age, education, presentation in the field of early childhood, or school-age, education at a conference, teach courses through an educational institution, participate in an educational research project, completion of initial or renewal of a Florida-recognized accreditation program, serve as a validator, or advisor, for a Florida-recognized accreditation program, serve as an editor, or reviewer, for a professional journal or book, or active participation in rule development workshops.

“Re-screening” is the background screening process that is conducted every five years after the date of the initial screening. Re-screening must include national and statewide criminal records checks through the FDLE, a search of the sexual predator and sexual offender registry, and Florida’s child abuse and neglect registry.

“Sanitize” means the process of destroying or reducing organisms to a safe level. Includes properly cleaned equipment and surfaces, such as sinks and sleep mats. Sanitation shall be accomplished with the application of a chemical sanitizer or the use of hot water or steam. Sanitizing agents must be used according to the manufacturer label. Sanitizing agents used on food contact surfaces must be labeled by the manufacturer safe for use on food contact surfaces and have specific instructions designed for use on food contact surfaces. The manufacturer’s directions must be followed.

“School-age childcare” child care provided for children five (5) years of age or older.

“School-Age Child Care Credential” is equivalent to a child development associate credential, pursuant to 402.305(3)(b), F.S., and offered through one of the following programs: Florida Child Care Professional Credential (FCCPC) and Florida Department of Education School-Age Professional Certificate (SAPC). Issuance of a School-Age Child Care Credential certifies successful completion of a Department DCF-approved training program that consists of a minimum of 120 hours of school-age/early childhood instruction, 480 contact hours with school-age children, and a formal observation. Credentials must be documented on CF-FSP Form 5270, Florida Child Care Professional Credential Certificate. A copy of CF-FSP 5270 may be obtained from the Department DCF’s website at [\(Click here for link\)](http://www.myflfamilies.com/childcare). Active credentials are valid for five years from the date of issuance. A list of approved and recognized School-Age Child Care Credential programs may be obtained from the Department DCF’s website at [\(Click here for link\)](http://www.myflfamilies.com/childcare).

“Sedentary Activities,” are those activities where the children are seated and working in one space

“Serious Injury,” is any injury/incident resulting in death or serious physical or emotional harm to a child that prudently calls for medical attention, including medication errors that present a risk of ineffectiveness or adverse reaction.

“School-Age Child” means a child who is at least five (5) years of age by September 1st of the beginning of the school year and who attends grades kindergarten or above.

“School-Age Child Care Program” means any child care facility serving only school-age children in a before- and after-school or out-of-school time program.

“Serving food,” means the provision of meals and snacks to children.

“Single-service articles” means any cups, containers, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles that are constructed wholly, or in part from, paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, then to be discarded.

“Sleeping” means the normal night time sleep cycle.

“Stable walls or barriers” refer to the boundaries that define a classroom space. Walls or barriers must be constructed in a sturdy manner and anchored together, or to the floor or walls. Walls or barriers must be stable and secure and must not pose a threat to falling over. The material for the barriers or walls must be non-hazardous and may not be made of materials such as see-through or plastic curtains, fabric or mesh materials. The stable walls or barriers must be a minimum of ~~thirty-two~~ thirty-two (32) inches in height from the floor in classrooms for

children ages birth through two (2), and must be a minimum of four (4) feet in height from the floor in classrooms for children ages three (3) years and older. All classrooms must continue to meet fire code requirements for entrance(s) and exit(s) of the classroom.

"Substantial compliance" that level of adherence to childcare rules and regulations which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence, but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts or can be reasonably expected, within ninety (90) days to impact, the health, safety, or well-being of a child, there is no substantial compliance.

"Substitute" any fully-screened-and-trained adult engaged to provide care for children in the absence of regular staff persons. This does not include volunteers.

"Summer day camp" means recreational, educational, and other enrichment programs operated during summer vacations for children who are five (5) years of age on, or before, September 1 and older.

"Summer 24-hour camp" means recreational, educational, and other enrichment programs operated on a 24-hour basis during summer vacation for children who are five (5) years of age on, or before, September 1 and older, that are not exclusively educational.

"Tableware" means utensils used for eating, drinking and serving food, including forks, knives, spoons, bowls, and cups and serving dishes. Tableware may be either multi-use or single service.

"Technical Assistance" means a DOH-Palm Beach offer of assistance to a licensee to correct the statutory or regulatory violations.

"Training Transcript" is the electronic documentation of statutorily-mandated-training and staff credential qualifications for child care personnel. Training transcripts may be obtained from the Department's website at www.myflfamilies.com.

"Unitary Surfacing Material" is a manufactured material used for protective surfacing in the fall/use zone that may be rubber tiles, mats, or a combination of energy-absorbing materials held in place by a binder that may be poured in place in the play area and cures to form a unitary shock absorbing surface.

"Utensils" means pots, pans, ladles, pitchers, cutting boards, knives, or food containers used in the preparation, storage, transportation, or serving of food.

"Violation" means noncompliance with a licensing standard as describe in an inspection report resulting from an inspection under Section 402.311, F.S., as follows with regard to Class I, Class II, and Class III violations.

Violation Classes:

"Class I" violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety, and well-being of a child.

"Class II" violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety, or well-being of a child, although the threat is not imminent. However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.

"Class III" violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.

Any and all violations may be upgraded to a higher class of violation depending on

the severity of the circumstances.

“Weekend child care” means child care provided for less than 24 hours per day between the hours of 6 p.m. on Friday and 7 a.m. on Monday.

“Weighted score” means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

“Year of experience” as it relates to the Director Credential, is equivalent to a minimum of 1,040 hours of paid and/or nonpaid documented work experience as a child care facility director, co-director, assistant director, or as a lead teacher in a Head Start Program.

2 General Requirements

2.1 License Application Process or Renewal

For the purpose of these rules, outstanding fines refers to civil penalties assessed by the Environmental Control Board, pursuant to Chapter 77-616, Laws of Florida.

- A. All fines imposed through enforcement of child care rules through the Environmental Control Hearing Board ~~the administrative process or an administrative hearing~~ against an applicant must be paid before a license can be issued. If, at the time of a license renewal application, there is a pending proposed fine or a administrative hearing resulting only from a proposed fine, it shall not affect the renewal of the license. If, at the time of a license renewal application, there is a pending revocation proceeding before the Council a satisfactory inspection is required, and the issuance of a license is dependent upon the final order issued by the Council.
- B. In such case, the provider will not be issued a renewal license until the final order from the revocation hearing is entered and any fine imposed has been paid. If the provider has filed a timely and complete application for the renewal of a license, the provider will be able to continue to operate as long as provisions are in place to ensure the continued health and safety of the children in care during the application determination and any subsequent administrative hearing. This provision does not limit Department's DOH-Palm Beach's authority to issue an emergency suspension order.
- C. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying offense, shall be treated as a disqualifying offense for screening purposes.
- ~~D.~~ The provider is responsible for confirming with the county/city zoning authority that the property can be used for the operation of child care prior to operation. The “land use” must be applied correctly to avoid noncompliance with county/city zoning and potential fines or closure.

D.

E. The child care facility must not be used for any business or purpose unrelated to providing child care that can interfere with compliance with child care standards or permit the unsupervised presence of individuals who do not meet screening and training requirements (with the exception of parents or legal guardians of children in care) when children are present. A child care facility that utilizes any area that is subject to use by persons outside of the program must have exclusive control of such area when used by the program and provide effective measures to exclude individuals who do not meet screening and training requirements from that area.

E-F. All prospective owners or operators of child care facility shall attend a pre-licensing workshop conducted by the DOH-Palm Beach prior to the application being presented to the Child Care Advisory Council for approval. Employees, and substitutes, may attend the licensing workshop for required in-service training hours, or as part of a corrective action for non-compliance. The pre-licensing workshop will cover subjects critical to the effective operation of the facility, ~~hesuch~~ as background screening, personnel training, records management, license renewal, transportation requirements, food service requirements, and general safety requirements.

2.2 License or Certificate Required

It shall be unlawful for any person, firm, or corporation to establish, maintain, or operate a childcare facility in Palm Beach County, without first obtaining a license or certificate pursuant to these rules and regulations.

2.2.1 Certificate of Compliance Facilities

Bona fide religiously-affiliated childcare programs, which comply with these minimum standards of health, safety and well-being, as specified herein, after demonstrating to the Department and the Child Care Advisory Council that said standards have been met, and after payment of applicable fees, may be given a certificate of compliance in lieu of a license.

Institutions qualifying for certificates of compliance must submit a statement of purpose and intent. It is understood that freedom of religion as expressed in the Florida and Federal constitutions shall remain inviolate. Moreover, institutions receiving certificates of compliance do so with the willingness to abide by rules relating solely to the health, safety, and well-being of the children. Acceptance of a certificate of compliance shall in no way constitute a waiver of any institution's right to legally challenge any rule or regulation embodied in these rules.

2.2.2 Certificate of Substantial Compliance Facilities

Non-public schools in which certain programs are deemed by the Department as child care are subject to the provisions of these rules. Non-public school programs for children who are at least three (3) years of age, but under (5) five years of age need not be licensed provided: a) the programs in the non-public schools are operated and staffed directly by the non-public schools; b) a majority of the children enrolled in the non-public schools are five (5) years of age or older; c) there is compliance with the screening requirements for personnel pursuant to these rules; and d) the program substantially complies with these minimum child care standards. After demonstrating to the Department that substantial compliance has been met, and after payment of applicable fees, such programs may be given a certificate of substantial compliance in lieu of a license, subject to Council approval.

Where a violation or deviation from these rules is identified as the type which impacts or can be reasonably expected within ninety (90) days to impact, the health, safety, or well-being of a child, there is no substantial compliance, and a childcare license shall be required.

2.2.3 License Application and Change of Ownership

- A. Application for a childcare facility license, certificate of compliance, or certificate of substantial compliance shall be made in writing on a form, and containing such information, as prescribed by DOH-Palm Beach. The application for licensure is not complete until all required information and supportive documentation are submitted to DOH Palm Beach.
- B. All applications for new facilities, change of ownership, addition of service, change in use, or increase in capacity of facilities must be submitted to Council for approval prior to licensure or issuance of applicable certificate. Applications, with the required substantiating documentation, must be submitted to DOH- Palm Beach at least three (3) weeks prior to the scheduled monthly meeting of the Palm Beach County Child Care Advisory Council. An application for change of ownership means an application for licensure or certificate on a currently approved facility from any person or persons, including corporations and other distinct entities, other than the current license holder or certificate holder.
- C. Applications for certificate of substantial compliance shall likewise be submitted to Council with substantiating documentation for review and approval prior to DOH-Palm Beach's issuance of said certificate. In lieu of an application to operate a child care facility, applicants for certificate of substantial compliance shall submit a completed non-public school & preschool program information form.
- D. The application, or non-public school preschool information form, must be completed and signed by the owner, prospective owner, or designated representative of the owner or prospective owner if the owner is a partnership, association or corporation. Within thirty (30) days after receipt of the application, DOH Palm-Beach shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information needed to complete the application.
- E. Whenever a licensed facility, a certificate of compliance, or a certificate of substantial compliance facility is sold, or the ownership is changed, the new or prospective owner or designated representative of the prospective owner, shall make application to the Board, via the Child Care Advisory Council through DOH Palm-Beach, for a new license or applicable certificate at least forty-five (45) days prior to the date of requested approval. A new owner must receive a license or certificate prior to the time a new owner assumes responsibility for the facility. The Board, via the Council, shall grant, or deny, the reapplication for licensure, certificate of compliance, or certificate of substantial compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new license is subject to penalties in accordance with Florida Statutes, § 402.312, as amended or replaced, and Sections 10 and 11, Chapter 2010-249, Special Acts, Laws of Florida, as amended or replaced. The present license or certificate holder will continue to be held responsible for the facility until the Board, via DOH Palm Beach, has issued the new license or certificate of compliance
- F. In the case of corporate ownership, a change of ownership shall include each

time the stock ownership is changed, so as to effectively put the childcare facility under new management or control, as evidenced by a change in corporate officers, corporate directors and/or facility directors. A change of ownership does not occur within the meaning of this rule if the existing corporate entity, with or without the execution of a Name Change Amendment, makes no changes which effectively place the childcare facility under new management or control, as set forth above, and the child care facility has no record of adjudicated Class I Violations within two (2) years, and is not currently under a Corrective Action Plan.

- G. In addition, no less than one week prior to a transfer of ownership of a child care facility, certificate of compliance facility, or substantial compliance facility, the parent or legal guardian of each child shall be notified in writing by the facility owner of the impending transfer. Such notice may be in the form of information incorporated into an existing newsletter, or individual letters or fliers, or be posted conspicuously at the facility.
- H. After having determined that minimum standards are met and the applicant otherwise meets the requirements for licensure or issuance of an applicable certificate, the Council shall approve the application and direct DOH Palm-Beach to issue a license or certificate upon payment of any required fees. To assure that the minimum requirements of these rules are met, the Council may impose appropriate conditions on the grant of the license or certificate of compliance which conditions shall not be inconsistent with the provisions of these rules and regulations. Should the Council determine, or lack sufficient information to determine, that minimum standards have not been met, the Council shall refer the application to DOH Palm-Beach to address concerns or deficiencies. Should compliance not be met within thirty (30) days, DOH Palm-Beach shall issue a written denial of the application.
- I. Any materially false statements contained in said application or non-public school preschool information form shall be grounds for denial or revocation of the license, or certificate of compliance, or certificate of substantial compliance.

2.2.4 Documentation Needed for Licensure

Application for a child care facility license, certificate of compliance, or certificate of substantial compliance must be approved or denied within ninety (90) days after receipt of a completed application. An application is considered complete upon receipt of all requested information and correction of any errors or omissions. A completed application with the following documentation shall be on file at DOH-Palm Beach prior to issuance of a license: Failure to submit a completed application within ninety (90) days of receipt of application, may result in an application denial.

- A. Application to operate child care facility. Applications may be accessed at DOH-Palm Beach website at (Click here for the link).
- B. Central Abuse Hotline Records Search (CAHRS) of the owner and operator. The CAHRS form may be accessed at DOH-Palm Beach website at (Click here for the link).
- C. Level 2 background screening from the Clearinghouse.
- D. Sexual Offender Address Cross Reference Check.
- E. Attestation of Good Moral Character for the owner and operator. The Attestation of Good Moral Character form may be accessed at DOH-Palm Beach website at (Click here for the link).

- F. Child Abuse & Neglect (CAN) Reporting Requirements form for the owner and operator. The CAN form may be accessed at DOH-Palm Beach website at ([Click here for the link](#))
- G. Five-year employment history of the owner and operator giving full and accurate information about jobs held and contact information for former employers.
- H. Evidence the owner and/or operator hold a current certification in First Aid and infant and child CPR.
- I. Evidence that the owner and operator have satisfactorily completed a Child Care Water Safety Course or the current equivalent if there is a swimming pool on the premises.
- J. Corporate information and/or fictitious name information, if applicable.
- K. Evidence that the owner and/or operator has completed required child care training and credentialing, and approved training in early literacy and language development.
- L. Evidence of the approval of the local building, zoning, and fire departments, when applicable.
- M. Transportation documentation, if applicable.
 - 1. A transportation survey.
 - 2. Certificate of liability insurance in the amount of \$5,000 multiplied by the rated seating capacity of the vehicle or \$100,000, whichever is greater. List DOH-Palm Beach as the certificate holder.
 - 3. A current vehicle inspection.
 - 4. Driver's physical examination.
 - 5. Driver's current certification in First Aid and infant and child CPR.
 - 6. Proof of training regarding guidance on safe transportation practice, and
 - 7. A valid Florida driver's license with a "P" or "S" endorsement if the vehicle used is designed to transport more than fifteen (15) passengers, including the driver.
- N. A satisfactory fire inspection report completed within the last three (3) months.
- O. Proof of ownership of the real property. A copy of the recorded property deed or a current tax bill will serve as proof of ownership and a lease agreement.
- P. A copy of the Certificate of liability insurance. The certificate holder is to be DOH-Palm Beach.
- Q. A copy of the Certificate of insurance evidencing the required coverage for worker's compensation, the certificate holder is to be DOH-Palm Beach or a notarized affidavit attesting that worker's compensation insurance is not applicable.
- R. Proof of compliance with onsite sewage treatment and disposal rules and regulations if the facility is served by a septic tank system, in accordance with Chapter 64E-6, F.A.C. and Palm Beach County Environmental Control Rule II.
- S. A site and floor plans for review and approval which includes, but is not limited to the following:
 - 1. Indoor and outdoor dimensions.
 - 2. Any water hazards (i.e., swimming pools, spas, canals, lakes, ponds, etc.) adjacent to, or on the property.
 - 3. Streets adjacent to the property, and access to the home from the street(s).
 - 4. The fenced play area, and
 - 5. The house and other structures on the property.
- T. Evidence the applicant completed the pre-licensing workshop conducted by the DOH-Palm Beach.
- U. Evidence of a satisfactory licensing inspection within thirty (30) days preceding

the date of licensure.

2.2.5 License Renewal

DOH-Palm Beach shall issue a license subject to Council approval, or renew a license upon determining that minimum standards are met, and the applicant otherwise meets the requirements for licensure set forth in these rules.

- A. A license shall not be issued or renewed unless all required screening applications and related documents have been submitted and all pertinent persons so screened have been cleared or otherwise found not to be disqualified from working with children.
- B. All licenses shall expire at the end of the month, one (1) year from the date of issuance unless revoked or surrendered.
- C. All applications for annual license renewal must be completed and filed with DOH-Palm Beach no later than forty-five (45) days before the current expiration date. Applications not timely filed constitute a violation of these rules and may cause delay in licensure beyond the date of expiration and subject the licensee to penalties and/or additional fees. The following documents must accompany the renewal application:
 - 1. A completed application to Operate a Child Care Facility or Substantial Compliance Program Information Form. The documents form may be accessed at DOH-Palm Beach website at ([Click here for the link](#)).
 - 2. Level 2 background screening from the Clearinghouse.
 - 3. Attestation of Good Moral Character for the owner and operator. The Attestation of Good Moral Character form may be accessed at DOH-Palm Beach website at ([Click here for the link](#)).
 - 4. Child Abuse & Neglect (CAN) Reporting Requirements form for the owner and operator. The CAN form may be accessed at DOH-Palm Beach website at ([Click here for the link](#)).
 - 5. Corporate information and/or fictitious name information, if applicable.
 - 6. Documentation of ten (10) hours annual in-service training completed during the state's fiscal year beginning July 1 and ending June 30.
 - 7. DCF Training Transcript for owner and operator.
 - 8. Central Abuse Hotline Records Search (CAHRS) of the owner and operator. The CAHRS form may be accessed at DOH-Palm Beach website at ([Click here for the link](#)).
 - 9. Sexual Offender Address Cross Reference Check.
 - 10. Transportation documentation, if applicable. This includes verification of insurance, a current vehicle inspection, driver's physical examination, driver's current certification in First Aid and infant and child CPR, proof of training regarding guidance on safe transportation practice, and a valid Florida driver's license with a "P" or "S" endorsement if the vehicle used is designed to transport more than fifteen (15) passengers, including the driver.
 - 11. A satisfactory renewal inspection showing all items in compliance.
- D. Any false statements, information, or material omissions, contained in any application, or screening documents shall be grounds for revocation or denial of the license.
- E. Child care facility licenses and certificates shall be issued only upon submission of completed renewal application documentation, payment of required fees, and completion of current satisfactory inspection of the facility by DOH-Palm Beach.

2.3 Type of Licenses

Although the following are generally referred to as “types” of licenses, they are different statuses of an annual license. There is only one type of license. Based on the compliance history of the owner, the annual license may be converted to the probation or provisional status.

2.3.1 Provisional License

- A. DOH-Palm Beach may issue a provisional license for a child care facility to applicants requesting renewal of an existing license, and who are unable to meet all the standards provided for in these rules and regulations.
- B. DOH-Palm Beach, upon approval of the Child Care Advisory Council, may issue a provisional license or certificate allowing a facility to operate for a designated period of time while working to comply with one or more licensing standards, provided the operator is making adequate provisions to ensure the health and safety of the children in care. A provisional license is not a disciplinary sanction.
- C. A provisional license or certificate shall not be issued unless the owner and operator of the facility are in compliance with all screening requirements.
- D. DOH Palm Beach may issue a provisional license for a period not to exceed six (6) months for a facility without a credentialed director.
- E. A provisional license shall not be issued for a period that exceeds six (6) months; however, under unusual circumstances beyond the control of the applicant, it may be renewed one time for a period that may not exceed six (6) months.
- F. A provisional license may be suspended or revoked if inspections, or reviews by DOH-Palm Beach, indicate that insufficient progress has been made toward compliance.

2.3.2 Probationary License

- A. A probationary license indicates that the annual license is in jeopardy of being revoked or not renewed due to violations of these rules. A probationary license shall not be issued as an initial license or certificate for a new facility.
- B. A probationary status license is used as a disciplinary sanction for repeated noncompliance with licensing requirements. A probationary status license that is issued due to non-compliance is valid for up to six (6) months. A probationary status license issued for this reason may not be renewed.
- C. A probationary status license –may be suspended, or revoked, if monitoring through a minimum of monthly inspections by DOH-Palm Beach finds that the operator is not in compliance with the terms of the corrective action plan, or that the operator is not making sufficient progress toward compliance with licensing requirements.
- D. Probation requires the licensee to comply with specific conditions intended to ensure that the licensee comes into, and maintains, compliance with licensing these rules.
- E. A probationary license may be granted only by the Council on the recommendation of DOH-Palm Beach to satisfy the remedy prescribed in DOH-Palm Beach’s child care licensing enforcement procedures, or as an alternative to revocation of a license or denial of an application for renewal of an annual license.

2.4 Disciplinary Actions

The Council may deny, suspend, or revoke a license or certificate.

2.4.1 Exclusion, Hearing Provided, Denial or Revocation of License or Evening Care

Approval

Exclusion from owning, operating, or being employed by a child care facility:

- A. May be excluded pursuant to Section 402.3055(2), F.S.
- B. When DOH-Palm Beach becomes aware of a history of enforcement or disciplinary action involving an applicant(s), owner(s), or operator(s) while being the owner(s), operator(s), or employee(s) of a child care facility, DOH-Palm Beach shall refer the following to the Child Care Advisory Council to decide whether the enforcement or discipline was serious enough to exclude the owner(s), or operator(s), or employee(s) from a child care facility in Palm Beach County by denying or revoking a license and/or notifying an owner that an employee should be excluded.
 - 1. Serious discipline includes an owner(s), or applicant(s) of a child care facility was denied a license, or had a license revoked, or suspended in any state or jurisdiction, or.
 - 2. The applicant(s) owner(s), operator(s), or employee(s) was the subject of serious disciplinary action while being the owner, operator, or employee of a child care facility in any state or jurisdiction.
 - 3. Should DOH-Palm Beach Director determine that there are grounds for denial or revocation of a license, DOH-Palm Beach shall issue a notice of intent to deny or revoke a license and afford the applicant or owner the opportunity to have hearing. Should DOH-Palm Beach Director determine that an employee of a child care facility was the subject of serious disciplinary action while being an owner, operator or employee of any child care facility in any state or jurisdiction, DOH-Palm Beach shall write to the owner placing the owner on notice that the employee should be excluded from working in child care.

2.4.2 Intent to Deny, Revoke, or Convert to a Probationary License

- A. When the Director of DOH-Palm Beach has reasonable cause to believe that grounds for denial, suspension, revocation, or converting a license to probationary status exists, or when the Council has directed DOH-Palm Beach to begin the process denying, suspending, revoking, or converting a facility license to probationary, the Director of DOH-Palm Beach shall notify the applicant or licensee in writing, stating the grounds upon which the license is being denied, suspended, revoked, or converted to probationary status.
- B. If the applicant or licensee makes no written request for a hearing to the Director of DOH-Palm Beach within fifteen (15) days from receipt of such notice, the license or certificate shall be deemed denied, suspended, revoked, or converted to probationary status.
- C. If a request for a hearing is made to the Director of DOH-Palm Beach, a hearing shall be held within sixty (60) days and shall be conducted by the Council. Either party may be granted a one-time continuance of no more than thirty (30) days.
- D. All testimony shall be under oath and shall be recorded. Formal Rules of Evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- E. DOH-Palm Beach shall provide personnel to act as Clerk to the Council for the purpose of the hearings and retention of the record.
- F. The Council shall issue its written order within fifteen (15) days of the hearing, stating that the license or certification is denied, issued, revoked, suspended, or changed to a Probationary License. The Council may also find in favor of the owner/operator and a license will be issued or remain in full force and effect. The order shall be sent to the applicant or licensee with proof of receipt. The Council's written order shall be considered final agency action.

- G. Within thirty (30) days after the Council issues its written order, any person whose substantial interests have been determined by Council's decision shall have the right to seek review of the Council's order by petitioning the Circuit Court in and for Palm Beach County for an appeal of the Council's Order.

The following are examples that include, but are not limited to, issues that would enable the Council to Deny, Revoke or convert to probationary a license for a child care facility:

1. Any materially false statements, information, or omissions made verbally or contained in a license or renewal application by an applicant, owner, or operator are grounds for denial or revocation of a license.
2. A prior history of a license denial or revocation in any state or jurisdiction may be grounds for denial or revocation of a license.
3. If the applicant(s), owner(s), or operator(s) of a child care facility had previously had a child die or suffer serious injury, in this state or any other jurisdiction, the applicant, owner or operator of a child care facility in Palm Beach County may have license denied or revoked.
4. Operating, or attempting to operate, a child care facility under a license that is suspended, revoked, or denied may be grounds for a denial or revocation of license.

2.5 Advertisement

It is unlawful for a child care facility to advertise child care services without a valid license, certificate of compliance, or certificate of substantial compliance. Any person advertising a child care facility by printed notice or broadcast must include in the advertisement the local agency license number

2.6 Fees

No license authorizing a person or entity to operate a child care facility in Palm Beach County, shall be issued until such person or entity has paid applicable fee(s) according to the fee schedule below:

- A. The pre-licensing workshop fee for new applicants shall be one hundred and fifty (\$150) dollars.
- B. For operation of a childcare facility with a licensed or approved capacity of twenty-five (25) children or less, the annual license or certificate fee shall be equal to two hundred and fifty (\$250). For operation of a childcare facility with a licensed or approved capacity greater than twenty-five (25) children, the annual license or certificate fee shall be equal to two hundred and fifty (\$250) plus six dollars (\$6) for each child allowed to attend the facility in excess of twenty-five (25) children as authorized by the facility's licensed or approved capacity. "Licensed" or "approved capacity" is indicated on the license or applicable certificate and refers to the maximum number of children that may lawfully be cared for by a facility at any time.
- C. Change of ownership fee: Childcare facilities obtaining a change in ownership shall be required to pay an administrative fee of one hundred twenty-five (\$125~~00~~) dollars, in addition to the applicable license or certificate fee.
- D. Change of director fee: Childcare facilities requesting changes of directors shall be required to pay an administrative fee of one hundred twenty-five (\$125~~5.00~~) dollars.
- E. Authority to collect fees. Pursuant to Section 154.06, F.S. DOH-Palm Beach may establish a fee schedule for all regulatory activities performed through the Environmental Health program if approved by the Palm Beach Board of County Commissioners. DOH-Palm Beach is authorized to collect the fees imposed herein and apply said fees to cover its costs associated with inspection and licensing under Chapter 59-1698, Laws of

Florida.

- F. Failure to submit a complete application for renewal of an annual license for a child care facility, at least forty-five (45) days prior to the expiration date of the current license constitutes a licensing violation. DOH-Palm Beach shall issue a Notice of Administrative Action imposing a fine of two hundred dollars (\$200) for the first occurrence, three hundred dollars (\$300) for the second occurrence, and four hundred dollars (\$400) for each subsequent occurrence within a five (5)-year period.

2.22.7 Minimum Age and Staff Requirements

- A. Owner, operator, and designee of the facility in the absence of the operator must be Child care personnel of at least twenty-one (21) years of age must be in charge of the program and must be on the premises at all times during operating hours.
- B. All other child care personnel must be at least eighteen (18) years of age.
1. Exception: Person(s) who have completed the requirements for vocational career and technical education program, entitled Early Childhood Education, may be employed in child care facilities in Palm Beach County at seventeen (17) years of age. Operators must retain a copy of the student's proof of completion on file.
 2. Each child care personnel must have at least a GED or high school diploma.

2.32.8 Ratios

The staff-to-child ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children and applies at all times while children are in care.

- A. A child enrichment service provider shall not be considered a volunteer or childcare personnel and shall not be counted in meeting groups or staff-to-child ratio.
- B. Volunteers shall not be counted for the purpose of meeting minimum supervision and staff-to-child ratio requirements.
- C. Volunteers shall be counted for the purpose of meeting minimum supervision and staff-to-child ratio requirements if the following requirements are met:
1. Must be screened in the same manner as child care personnel.
 2. Must meet the mandated forty (40)-hour training requirements.
- D. The following staff-to-child ratios apply to child care at all times.:

Age of Child(ren)	Staff: Child Ratio
<u>Infant (Birth up to 1 year)</u>	<u>1:4</u>
<u>1 year of age</u>	<u>1:6</u>
<u>2 years of age</u>	<u>1:11</u>
<u>3 years of age</u>	<u>1:15</u>
<u>4 years of age</u>	<u>1:20</u>
<u>5 years of age or older</u>	<u>1:25</u>

2.3.12.8.1 Mixed Age Groups

- A. Children under one (1) year of age shall not be included with children over two (2) years of age. In groups of mixed age ranges, where children under one year of age are included, one child care personnel must be responsible for no more than four children ~~of any age group~~, at all times.
- B. Children that are one (1) year of age may be included with children that are less than three (3) years of age by September 1st of the current year. In groups of mixed age ranges, where children one year of age but under two (2) -years of age are included, one (1) child care personnel must be responsible for no

more than six (6) children ~~of any age group~~, at all times.

- C. In groups of mixed age ranges, children are two (2) years of age or older the staff-to-child ratios shall be based on the ages of the majority of the children in the group. When there is a tie among age groups, the group's ratio shall be based on the age of the youngest child in the group.

2.8.2 Ratios For School-Aged Child Care Facility

When caring for children 5 years of age and older, the staff-to-child ratio must be at least one (1) child care personnel for every twenty-five (25) school-age children in care (1:25).

B.

2.42.9 Supervision

2.4.12.9.1 General Supervision Requirements

- A. Child care personnel must position themselves in the outdoor play area so that all children can be observed and directly supervised.

A.B. Child care personnel must remain awake while children are in care.

- B.C. Child care personnel must be assigned to provide direct supervision to a specific group of children and be with that group of children at all times. Children must never be left without child care personnel supervision inside or outside the facility, in a vehicle, or at a field trip location.

G.D. Supervision standards apply at all times away from the child care facility, including during field trips, outdoor play, and when picking up or dropping off children at designated locations, such as bus stops, school, or a child's home. For school-age children, personnel must know where the children are and what they are doing at all times and capable of responding to emergencies including when children are separated from their group.

- A. At all times, lighting must allow child care personnel to see and supervise children while in care.

E.

A program is responsible for the supervision of a child until an authorized individual retrieves the child from the program. A child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians. All individuals authorized to pick up a child must be identified in writing prior to release by the custodial parent or legal guardian to the program, and the program must verify the individual picking up the child is authorized by using a picture form of identification. Each child transported must be dropped at the designated location as agreed upon by the provider and the custodial parent/legal guardian and released to an authorized individual.

D.F.

~~location as agreed upon by the provider and the custodial parent/legal guardian and released to an authorized individual.~~

G. Children must be released only to custodial parents or person(s) ~~persons~~sixteen (16) years of age or older authorized in writing.

E.H. No person shall be an operator, owner, or employee of a child care facility while using or under the influence of narcotics, alcohol, or other drugs that impair a person's ability to provide safe care and supervision.

F.I. In addition to the number of child care personnel required to meet the staff-to-child ratio, one additional adult must attend field trips away from the child care facility to help provide direct supervision. The individual could be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained child care personnel.

J. All volunteers must be supervised by child care personnel. In no event shall volunteers be permitted to be left with children without the presence and supervision of child care personnel.

G.K. Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting.

H.L. When transporting children in a vehicle or on foot, a telephone or other means of instant communication must be available to child care personnel. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communications are acceptable.

2.4.22.9.2 Nap time Supervision

During nap time, child care personnel must be within sight and hearing of all the children. All other child care personnel required to meet the staff-to-child ratio must be within the building on the same floor and available to be summoned if needed to ensure the safety of the children. Nap time supervision does not apply to children up to twenty four (24) months of age, who must have direct supervision at all times.

2.4.32.9.3 Evening Supervision

During evening child care hours, child care personnel must remain awake at all times. While children are awake, direct supervision must be provided.

A. When children six (6) years of age and older, of the opposite sex, use the same room(s) for resting, napping, and/or sleeping, direct supervision must be maintained at all times.

2.4.42.9.4 Meal time Supervision

A. During feeding times, children must be individually fed and provided their own tableware. Children must be supervised appropriately for their ages and developmental abilities, to monitor the size of food and that children are eating accordingly.

A.
B. Infants must be held for bottle feedings until they are developmentally ready to sit in an age appropriate chair with good head control. Children must not be left in high chairs or other types of feeding chairs other than during feeding times. The use of safety straps is required to prevent children from falling out of the high chair.

B.
A.C. There must not be any propped bottles. If a child cannot hold the bottle, child care personnel must hold the bottle during feeding. There must be no automatic feeding devices unless prescribed by a doctor and documentation is available in the child's file.

2.4.52.9.5 Water Activity Supervision

If a facility uses a swimming pool on site, or during a field trip, that is more than three (3) feet deep, or uses beach or lake areas for water activities, the following requirements must be met:

A. There must be at least one (1) certified lifeguard present and on duty. If the lifeguard is hired by the facility, this person is considered child care personnel and can also serve as the additional adult to meet the requirement in 2.4.1(G) above these rules.

A.

B. If the certified lifeguard is hired by the pool/beach/lake area this person is not considered child care personnel and does not count toward the staff-to-child ratio.

B.

A-C. The following minimum staff-to-child ratios must apply while children are swimming or wading:

Age of child(ren)	Staff: Child Ratio
Infant (Birth up to 1 year)	1:1
Toddler (1 year up to 3 years)	1:1
Preschooler (3 years up to 5 years)	1:4
School-Age Children (5 years and up)	1:10
Mixed Age Groups	Ratio shall be based on age of the youngest child present

D. Constant and active supervision must be maintained when any child is in or around water. An adult should remain in direct physical contact with an infant at all times during swimming or water activities. During water activities, children ages one (1) year up to five (5) years must be within an arm's reach and in the sight of the supervising adult at all times.

B-E. Any swimming pool used by a child care facility must be constructed and operated, at a minimum, in compliance with Chapter 64E-9, F.A.C., Public Swimming Pools and Bathing Places, or its successor provisions, and the Florida Building Code, Chapter 4, Special Occupancy: Section 424, Swimming Pools and Bathing Places, as amended or replaced. Should there be a conflict, the Florida Building Code shall apply.

G-F. Providers must ensure that all pools have drain covers that are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by reference in rule 65C-22.001(7)(v), F.A.C. A copy may be obtained at (click here for link).

G. Each swimming pool more than six (6) feet in width, length, or diameter must be provided with a ring buoy and rope, a rescue tube, or a throwing line, and a shepherd's hook that will not conduct electricity. This equipment must be long enough to reach the center of the pool, kept in good repair, and stored safely and conveniently for immediate access. Child care personnel must be instructed on the proper use of this equipment and documentation of instruction must be maintained in the child care personnel file.

2.9.6 Transportation Supervision

A. Care personnel must be in the vehicle whenever a child is in the vehicle.

B. Care personnel must be seated behind the steering wheel if the motor is running, and children are being loaded and/or are on board.

C. Child care personnel, in addition to the driver, is required on the vehicle when transporting children under five (5) years of age.

D. The second child care personnel shall be seated in the vehicle in the back seat or in a position which allows:

1. Each child to be seen with a quick glance;

2. Each child to be heard at all times;

3. Each child's activities to be observed; and

4. The staff member to respond immediately should there be an emergency.

2.9.7 Supervision In School-Age Child Care Program

When caring for school-age children, child care personnel will be responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for the children at all times, including when children are separated from their groups. Children must never be left without child care personnel supervision inside or outside the facility, in a vehicle, or at a field trip location by themselves. The school-age requirements below should be used in conjunction with the general supervision requirement in these rules.

- A. Child care personnel must respond appropriately to the individual needs and special interests, abilities, and cultures of children.
- B. The facility must have, and communicate to, child care personnel and parents/guardians a plan for safe, supervised drop-off and pick-up points and pedestrian crosswalks in the vicinity of the facility. The plan must require that drop-offs and pick-ups are in a location protected from traffic.
- C. Child care personnel are required to supervise drop-off and loading to assure that children are clear of the perimeter of all vehicles before the vehicle moves. The child care personnel supervising the children are required to stay with each child and remain responsible until the custody of the child has been accepted by the individual designated in advance to care for that child.
- D. Children that are delivered to a location offsite from the facility by someone other than the parent or guardian become the responsibility of the child care program at that designated location and time agreed upon by the provider and the parent/guardian. The provider is responsible for the timely arrival of its child care personnel at the designated location and supervision of the child upon the child's arrival. If a child is not present at the time of pickup, prior to leaving the designated location, child care personnel must contact the facility to notify them of the child's absence. Child care personnel at the facility must contact the child's parent or legal guardian to notify them of their child's absence.
- E. When a child care facility that utilizes an area away from the facility, or on a field trip, that is subject to use by persons outside of the program and does not allow the program to have exclusive control of such area, the children must be under direct supervision (within sight and sound) of a screened-and-trained child care personnel.

D.

2.10 Evening Requirements

Child Care providers must comply with the minimum health and safety standards to ensure the well-being of children in their care during evening hours. For the purposes of this section, evening hours pertains to 6 p.m. to 7 a.m.

- A. Prior to providing evening care, a child care facility shall obtain written approval of the Council subsequent to the recommendation of DOH Palm-Beach.
- B. Children who have not been served an evening meal before arrival, must be served an evening meal that is consistent with these rules. Children who stay beyond 7 a.m. must be provided a morning meal consistent with these rules.
- C. A credentialed child care personnel is required for evening.
- D. A credentialed director is not required for facilities offering childcare during the evening hours.

2.52.11 Transportation

Child care providers must comply with minimum health and safety standards to ensure the well-being of children in their care being transported. For the purposes of this section, transportation pertains to travel by foot, or in a vehicle that is owned, operated, or regularly used by the child care program, and vehicles used to provide transportation through a contract, or agreement, with an outside entity. Prior to transporting children, the facility must be approved by DOH Palm-Beach the Department to offer transportation services. Transportation services will be approved if the conditions set forth in parts 2.5.1, 2.5.4, 2.5.5, and 4.2.6, of this Handbook these rules are met. Pursuant to the Child Safety Alarm bill in 2021, aAll vehicles used to transport children by child care facilities and large family child care homes must be equipped with a reliable alarm system, which prompts the driver to inspect the vehicle for children before exiting the vehicle.

2.5.12.11.1 Driver Requirements

The driver of any vehicle used by a child care program to provide transportation must have the following:

~~A.~~ A valid Florida driver's license including the proper endorsement;

~~A.~~

~~B.~~ An annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and pediatric cardiopulmonary resuscitation (CPR) procedures.

~~B-C.~~ Training regarding guidance on safe transportation practices prior to participating in transportation of children.

2.5.22.11.2 Transportation Log

A. A log must be maintained for all children being transported in a vehicle, or on foot, away from and/or to the premises of the child care facility. The log must be retained on file at the facility for a minimum of twelve (12) months and available for review by the licensing authority. The log must include:

1. Each child's name,
2. The date and time of departure,
3. Time of arrival at the destination,
4. The signature of the driver (or in the case of travelling on foot, the signature of the child care personnel), and
5. The signature of a second child care personnel or person(s) authorized by the provider to verify the transportation log and that all children have arrived safely and left the vehicle (if applicable).

~~5.~~ A sample of a transportation log may be obtained from ([Click here for link](#)).

Transportation By Foot

B. Prior to transporting children by foot, the transportation log must be recorded with each child's name, the date and time of departure and initialed by child care personnel verifying that all children were accounted for and that the log is complete.

C. Upon arrival at the destination by foot, the child care personnel must:

1. Record the date and time the child(ren) arrived at the destination on the transportation log immediately,
2. Conduct roll call, record, date, and initial verifying that all children were accounted for.
3. The same must occur prior to leaving that location and immediately upon returning to the facility premises. The first and second child care personnel must sign the log verifying all children are accounted for and log is complete at each destination.

D. Upon arrival at the destination by foot, a second, and different, child care personnel must:

1. Witness roll call to verify all children are accounted for and that the log is complete.
2. Sign and date the transportation log.

Transportation By Vehicle

~~E.~~ **Prior to transporting children by vehicle**, the transportation log must be recorded with each child's name, the date and time of departure, and initialed by child care personnel verifying that all children were accounted for and that the log is complete.

E.

- F. Upon arrival at the destination by vehicle, the driver of the vehicle must:
1. Mark each child off the log as the child departs the vehicle;
 2. Conduct a physical inspection and visual sweep of the vehicle interior to ensure that no child is left in the vehicle; and

- 2.
 3. Record, sign, and date the transportation log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.
 4. Ensure that ~~a second child care personnel~~second child care personnel ~~conducts~~conduct a second visual sweep, signs and dates the transportation log verifying that all children were accounted for, and that the log is complete.
 5. If the provider contracts with an outside entity to provide transportation, then the provider must assign a child care personnel to perform the duties of the driver outlined above in numbers 1-3.
- G. Upon arrival at the destination by vehicle, a second and different child care personnel must:
1. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 2. Sign, date, and record the transportation log immediately, verifying that all children were accounted for, and that the log is complete.

2.5.32.11.3 Emergency Care Plans

- A. Child care personnel must have possession of emergency medical consent and contact information for the parent or legal guardian of each child being transported by vehicle, or on foot, while away from the child care facility.
- B. When transporting children with chronic medical conditions (such as asthma, diabetes, or seizures), their emergency care plans, and supplies or medication, must be in the possession of child care personnel and inaccessible to the children. A designated child care personnel in the vehicle or on the field trip, must be trained to recognize, and respond appropriately to, a medical emergency per medication training requirements in ~~these rules~~section 6.5.1.
- C. Each child with an allergy should have a written emergency care plan that includes:
 1. Instructions regarding the allergen to which the child is allergic and steps to be taken to avoid that allergen;
 2. A detailed treatment plan to be implemented in the event of an allergic reaction, including the names, doses, and methods of prompt administration of any medications.
 3. Specific symptoms that would indicate the need to administer one or more medications.
- D. Based on the child's emergency care plan, provided by the parent/legal guardian or physician, and prior to caring for the child, child care personnel should implement measures for preventing exposure to specific allergen(s) to which the child is allergic and recognizing the symptoms of an allergic reaction.
- E. Child care personnel shall notify parents/guardians immediately of any suspected allergic reactions, as well as the ingestion of or contact with the problem allergen, even if a reaction did not occur. Child care personnel shall contact 911 immediately whenever epinephrine has been administered.

2.5.42.11.4 Vehicle Requirements

For the purpose of this section, vehicles refer to those owned, operated or regularly used by the child care program, and vehicles that provide transportation through a contract or agreement with an outside entity. Parents'/guardians' personal vehicles used for transporting during field trips are excluded from meeting the requirements of this sub-section.

~~A.~~ All vehicles regularly used to transport children must be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic must be maintained in the vehicle.

~~A.~~

~~B.~~ The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

~~B.~~

~~C.~~ When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio if he or she meets screening and training requirements.

~~C.~~

~~D.~~ All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S. Documentation shall be maintained at the facility. [Section 316.615\(4\), F.S. may be obtained at \(Click here for link\).](#)

~~D.~~

~~A.~~ The interior of vehicles, when being used to transport children, must be maintained at a temperature comfortable to children (between 65- and 82-degrees Fahrenheit). The vehicle can be ventilated either by mechanical, or natural, means to maintain the temperature.

~~E.~~

~~F.~~ [Vehicles must have the name of the childcare facility on each side panel in at least six \(6\) inch letters. The back panel must have the wording "Caution Transporting Children" in a minimum of four \(4\)-inch letters.](#)

~~G.~~ [Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions \(such as asthma, diabetes, or seizures\), their emergency care plans and supplies, or medication, shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.](#)

~~A.H.~~ [By January 1, 2022](#) all vehicles used by child care facilities to transport children must be equipped with a reliable alarm system approved by [DOH-Palm Beachthe Department](#) which prompts the driver to inspect the vehicle for children before exiting the vehicle.

~~1.~~ Approved alarm systems must meet the following criteria:

~~1.~~

- a. The alarm system must be armed or activated automatically when the vehicle's ignition is turned on.
- b. The alarm system must be designed and installed so that the vehicle horn, siren or other type of audio alarm will sound if the driver/staff member does not walk to the rear or, in the case of a passenger van, the side entry point of the vehicle, to manually shut off or deactivate the alarm.
- c. The time delay from the time the ignition is turned off after activation of the alarm system, until the alarm sounds, shall be no longer than one minute.
- d. The alarm must be audible from the distance of [five hundred \(500\)](#) feet from the vehicle.

- ~~a.~~ The alarm system must be installed so that the driver must walk to the back of the vehicle to reach the deactivation mechanism. Deactivation mechanisms installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas will not be acceptable.
- ~~e.~~
- ~~1.~~ List of approved alarm manufacturers may be found on [DCF's the Department's website at \(Click here for link\) www.myflfamilies.com/childcare](#).
- ~~2.~~
- ~~2.~~ Alarms must be installed and maintained according to the manufacturer's recommendations.
- ~~3.~~
- ~~2.4.~~ Alarm systems installed according to the manufacturer's instructions [prior to October 1, 2021](#), will be deemed to satisfy this requirement if they meet the criteria set forth in [2.5.4.F.1](#) above. [Under this allowance, the existing](#) alarm system must always be properly maintained in working order. Should at any time the alarm system require replacement, the new system must be selected from [DCFthe Department's](#) approved list referenced in [2.5.4.F.2](#) above.

2.5.52.11.5 Seat Belt/Child Restraints

Each child, when transported, must be seated in a back seat in an individual factory installed seat belt or federally approved child safety restraint. The child safety restraint must be installed, secured, and used in accordance with the manufacturer's instructions and a copy of such instructions must be maintained (in the vehicle and/or on file). Child safety restraints must be replaced if they have been recalled, are past the manufacturer's "date of use" expiration date, or have

been involved in a crash that meets the U.S. Department of Transportation crash severity criteria or the manufacturer's criteria for replacement of restraints after a crash, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in 65C-22.001(7)(v), F.A.C. [Caring for Our Children Basics Health and Safety Foundations for Early Care and Education may be obtained at \(Click here for link\).](#)

~~Children aged birth to one year old must be secured in a rear-facing car safety seat.~~

~~Children aged one through 3 years, such restraint device must be a separate carrier or a vehicle-built-in child seat.~~

~~A. Children aged 4 years, a separate carrier, a vehicle built-in child seat, or a child booster seat must be used with appropriate seat belt.~~

~~A. Children aged birth to one (1) year old must be secured in a rear-facing car safety seat.~~

~~B. Children aged one through three (3) years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.~~

~~C. Children aged four (4) years, a separate carrier, a vehicle manufacturer's integrated child seat, or a child booster seat must be used with appropriate seat belt.~~

~~B.D. Children aged five (5) years and older must be in seat belts.~~

~~C.E. When applicable, any vehicle used for transporting children must accommodate the placement of wheelchairs with four tie-downs affixed according to the manufactures' instructions in a forward-facing direction and the wheelchair occupant must be secured by a three-point tie restraint during transport; or the child must be placed in a federally approved child safety restraint or factory installed seatbelt when transported in accordance ~~with~~ the child's needs. Manufacturers' specifications must be followed to assure that safety requirements are met.~~

2.62.12 Planned Activities

Each group or class must have a written and followed plan of scheduled activities posted in an easily seen location accessible to parents/guardians. The written plan must meet the needs of the children being served and must include alternate activities in case of bad weather. The written plan shall include a variety of activities that range from structured to unstructured activities that encourage a child's developmental growth. The written plan also must include scheduled activities that:

- A. Promote emotional, social, intellectual, and physical growth;
- B. Do not have children left in confining devices such as car seats as an alternative to active play or adult/child interaction, supervision, or discipline;
- C. Do not include the use of electronic media for children under two (2) years of age. Electronic media may only be used for educational purposes or physical activity for children two (2) years of age and older for no more than 1-to-2-hours per day.
- D. Include both active and quiet play. Active play includes outdoor activities a minimum of twice per day, weather permitting.
- E. Include meals, snacks, and nap times, if appropriate for the age and the times children are in care.
- F. Provide adequate time and space for infants, birth to twelve (12) months, in care to engage in activities that promote development of movement skills (tummy time, crawling, turning over, sitting, etc.). Infant seats (swings, bouncers, etc.) must be used

only for short periods of time, no more than 15- to 30-minute intervals per infant and no more than two times per day that the child is in care. Infants in care shall be provided opportunities for outdoor time each day that weather permits.

G. An appropriate daily schedule provides flexibility and contains transition periods that help children move smoothly from one activity to another.

H. Providers are encouraged to inform parents and legal guardians of their child's activities on a daily basis.

H.

I. Providers must implement program practices that promote consistency and continuity of care for infants and toddlers. Early care and education programs must provide opportunities for each child to build emotionally secure relationships with a limited number of child care personnel. Efforts to promote consistency and continuity of care are shown through following daily routines and communicating consistently with parents/guardians.

J. The program must make reasonable accommodations to the environment, planned activities, and schedule so that children with special needs may participate.

K. The written plan for school-age child care program must include scheduled activities that:

1. Promote daily recreation, sports, or fitness activities;

2. Limit electronic media time (television, videos, movies, or computer games) to no more than two (2) hours per day. Computer use should be limited to no more than 15- minute increments, unless used for scholastic tutoring purposes;

3. Include both indoor and outdoor play, if applicable; and

4. Include meals, snacks, and rest, if appropriate, for the times the children are in care;

5. An appropriate daily schedule provides flexibility and contains transition periods that help children move smoothly from one activity to another;

6. The program may allow children to choose their own activities from the daily schedule that offer both indoor and outdoor activities and a variety of social, recreational, and educational opportunities;

7. The program must offer scheduled time in an appropriate environment for academic support or homework assistance;

J.8. The program must make reasonable accommodations to the environment, planned activities, and schedule so that children with special needs may participate.

2.72.13 Field Trip Activities

A. Parents/guardians must be advised in advance of each field trip activity.

B. The date, time, and location of the field trip must be posted in an easily seen location at least two working days prior to each field trip.

C. Written parental permission must be obtained in the form of a general or event-specific permission slip.

D. If special circumstances arise where notification of an event cannot be posted for two working days, individual permission slips must be obtained from the custodial parent or legal guardian for each child participating on the field trip.

E. Emergency contact information for each child on the field trip, including walking field trips, must be in the possession of a child care personnel on the field trip.

F. Supplies or medication for each child on the field trip with chronic medical condition.

E.G. Emergency care plan for each child on the field trip with a chronic medical condition supplies, or medication, must be in possession of child care personnel and inaccessible to the children participating on the field trip.

H. A telephone or other means of instant communication must be available to child care personnel responsible for children during all field trips, including walking field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communications are acceptable.

F.I. A first aid kit must be accessible and available to child care personnel when children are participating on field trips.

J. Documentation of parental permission for field trips must be on file and maintained for

at least twelve (12) months from the date of the field trip.

K. In addition to the number of child care personnel required to meet the staff-to-child ratio, one additional child care personnel must attend field trips away from the child care facility to help provide direct supervision.

G.L. A field trip includes all activities away from the program, excluding regular transportation to and from the program (i.e., pick-up and drop-off).

2.82.14 Child Discipline

A. The child care facility shall adopt a discipline policy consistent with Section 402.305(12), F.S., including standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited. The Florida Statutes may be obtained at (Click here for the link).

B. The child care facility operators, employees, and volunteers must comply with written disciplinary and expulsion policies.

C. Verification that the child care facility has provided the operators, employees, volunteers, and parent or guardian a written copy of the disciplinary and expulsion policies used by the program must be documented on the enrollment form with the signature of the custodial parent or legal guardian.

D. Active play, both indoor and outdoor, must not be completely withheld from children who misbehave. For example, a child being left in the front office the entire time the rest of the children go outside to play would be unacceptable. Time-outs may be used during indoor or outdoor play provided an age-appropriate time limit has been established.

~~E.~~ A copy of the current disciplinary and expulsion policies must be available for review by the parents or legal guardian and DOH-Palm Beach the licensing authority. Providers must have a comprehensive discipline policy that includes developmentally appropriate social-emotional and behavioral health promotion practices, as well as discipline and intervention procedures that provide specific guidance on what child care personnel should do to prevent and respond to challenging behaviors. Preventive and discipline practices should be used as learning opportunities to guide children's appropriate behavioral development.

E.

F. The following discipline techniques shall be prohibited in the child care facility:

1. The use of corporal punishment/including, but not limited to:

- a) Hitting, spanking, shaking, slapping, twisting, pulling, squeezing, or biting;
- b) Demanding excessive physical exercise, excessive rest, or strenuous or bizarre postures;
- c) Compelling a child to eat or have in his/her mouth soap, food, spices, or foreign substances;
- d) Exposing a child to extremes temperature;
- ~~e) Rough or harsh handling of children, including but not limited to: lifting or jerking by one or both arms; pushing; forcing or restricting movement; lifting or moving by grasping clothing; covering a child's head.~~

e)

- 2. Isolating a child in an adjacent room, hallway, closet, darkened area, play area, or any other area where the child cannot be seen or supervised.
- 3. Binding, tying, or restrict movement, or taping the mouth;
- 4. Using or withholding food or beverages as a punishment;
- 5. Toilet learning/training methods that punish, demean, or humiliate a child;
- 6. Any form of emotional abuse, including rejecting, terrorizing, extended ignoring, isolating, or corrupting a child;
- 7. Any abuse or maltreatment of a child;
- 8. Abusive, profane, or sarcastic language or verbal abuse, threats, or derogatory remarks in front of the child, or about the child or child's family;
- 9. Placing a child in a crib/portable crib for a time-out or for disciplinary reasons.

G. All programs that care for infants must have a written policy and procedure to identify and prevent shaken baby syndrome and abusive head trauma. The policy and procedures must require completion of the safe sleep training by child care personnel, as outlined in section 4.2.3.

G-H. In school-age child care facilities positive techniques must be used to guide the behavior of children by setting appropriate limits and encouraging children to choose positive behaviors.

3 Physical Environment

Children are much more susceptible to the adverse effects of environmental factors, materials and toxicants. It is imperative that the child care environment is conducive to the healthy development of children.

3.13.11 General Health and Safety Requirements

A. All child care facilities must be clean, in good repair, free from health and safety hazards and from evidence of, or presence of, vermin infestation. Indoor play areas must be inspected daily for basic health and safety and documented on a daily inspection log. Outdoor play areas must be inspected daily for basic health and safety. Any problems must be corrected before the play area is used by children. Documentation of the indoor play area inspection must be maintained for twelve (12) months.

B. All child care facilities shall be located at ground level (street level), unless approved otherwise by the Building and Fire authorities having jurisdiction.

C. For security purposes, the facility must be configured to have a central control point to

- monitor persons entering or leaving the facility. Alternatively, facilities that have multiple free standing buildings must have a written plan for the control of persons entering and leaving the facility and must be maintained on site, at the facility, and shall be available to DOH-Palm Beach for review upon request.
- A-D. Exits from the facility must open onto safe, protected, fenced areas, or must have active, audible alert mechanisms to alert staff as to when such doors are opened.
- E. It is the responsibility of the director/operator to ensure all areas and equipment of the facility are free from fire hazards, such as lint build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents. This includes grease build-up in ovens, stoves, and food equipment.
- B. Heating, ventilation, and air-conditioning (HVAC) equipment shall be installed and maintained, in a safe condition and in accordance with applicable laws, ordinances and regulations.
- F.
- G. Non-vented, or open flame heaters (including water heaters), and portable electrical heaters are prohibited.
- G. There shall be a mop sink, or janitorial sink, available in all child care facilities. Animals must be properly vaccinated (if a vaccination is available for the specific animal), free from disease, and clean. Animals that are poisonous, venomous, aggressive, or pose a potential threat of harm to children in care are prohibited. Parents/guardians must be informed in writing of all animals on the premises. Notice
- H.

~~may be provided by a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Current vaccinations records must be available for review by the licensing authority. No animal may freely roam the indoor/outdoor premises. Animals are prohibited in areas where food is prepared, stored, or served. If animals or birds are kept in classrooms, they shall be caged and cages must be kept clean.~~

- ~~I.~~ I. Strangulation hazards, strings, and cords long enough to encircle a child's neck, such as those on toys and window coverings, must not be accessible to children in care.
- ~~D.J.~~ D.J. Animals (excluding aquarium fish and hermit crabs) are prohibited on the premises. Special animal programs may be permitted upon prior approval of the DOH-Palm Beach pursuant to a written request. Parental participation consent forms are required for each child.
- ~~E.K.~~ E.K. Pursuant to Chapter 386.204, F.S., smoking is prohibited within the child care facility and in vehicles when being used to transport children. Smoking is prohibited in all outdoor areas, including on field trips, while children are in care. Owners/operators are to notify custodial parents and legal guardians, in writing, that smoking, including e- cigarettes and vaping, is prohibited on the premises of the child care facility.
- ~~F.L.~~ F.L. Design and construction of a new child care facility, or modifications to an existing facility, must meet the requirements of the applicable local governing body. The facility must provide current written approval from the local governing body to verify compliance with building requirements, which include construction of a new building; renovation of an older building; or after a natural disaster to properly evaluate and where necessary, remediate or avoid sites where's children's health could be compromised. The written approval must include assessments of:
 - 1. Potential air, soil, and water contamination on facility site and outdoor play areas;
 - 2. Potential toxic or hazardous materials in building construction, such as lead and asbestos; and
 - 3. Potential safety hazards in the community surrounding the site.
- ~~M.~~ M. Cleaning must not take place while rooms are occupied by children, except for general clean-up activities that are part of the daily routine. General cleaning refers to cleaning necessary to maintain a sanitary environment, but that does not pose a hazard to children, such as wiping the table after lunch, soaking toys in a tub on the countertop, or sweeping. This does not include cleaning with hazardous materials or any cleaning which poses a risk of slipping or falling.
- ~~G.N.~~ G.N. All child care facilities in Palm Beach County must comply with the mandatory radon testing and reporting requirements pursuant to rule 404.056(4), F.S. and rule 64E-5.1208(c), F.A.C. Rule 404.056(4), F.S. may be obtained at ([Click here for link](#)). Rule 64E-5.12089(c), F.A.C. may be obtained at ([Click here for link](#)).
- ~~H.O.~~ H.O. Pest control must not take place while rooms are occupied by children. Child care providers must adopt an integrated pest management program to ensure long-term, environmentally sound pest suppression through a range of practices, including pest exclusion, sanitation and clutter control, and elimination of conditions that are conducive to pest infestations.
- ~~I.P.~~ I.P. All accessible electrical outlets must be "tamper-resistant electrical outlets" that contain internal shutter mechanisms to prevent children from sticking objects into receptacles. In settings that do not have "tamper-resistant electrical outlets," outlets shall have safety covers.
- ~~Q.~~ Q. Guardrails or protective barriers, such as baby gates, must be provided at open sides of stairs, ramps, and other walking surfaces from which there is more than a 30-inch vertical distance to fall.
- ~~R.~~ R. Power cords from appliances shall not be readily accessible to children.

S. Electric fans shall be permanently installed, screened, and out of the children's reach.

J.T. Extension cords shall not be used as permanent wiring.

K-U. No electrical device, or apparatus accessible to children, shall be located in a place where it can be plugged into an electrical outlet while a person is in contact with a water source, such as a sink, tub, shower area, water table, or swimming pool.

V. Carbon monoxide detector(s) must be installed according to ~~f~~ s. 553.885(1), F.S., or local laws. Carbon monoxide detectors must be tested, and maintained, according to manufacturer's instructions. Documentation of testing and maintenance must be retained for a minimum of twelve (12) months and available for licensing to review.

3.23.12 Toxic/Hazardous Material/Firearms/Weapons

- ~~A.~~ All areas and surfaces accessible to children must be free from toxic substances, bio contaminants, and hazardous materials/equipment/tools, including power tools, plastic bags, matches, candles, lighters, etc.
- ~~A.~~
- ~~B.~~ All potentially harmful items, and products that bear a warning on the label to "KEEP OUT OF THE REACH OF CHILDREN", or words, or symbols, to that effect, including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials, must be labeled and used according to manufacturer's recommendation. These items, as well as knives, sharp tools, and other potentially dangerous hazards, must be stored in a locked area or must be inaccessible, and out of a child's reach, at all times.
- ~~B-C.~~ Staff purses and personal items must be stored in a locked area or must be inaccessible, and out of a child's reach, at all times.
- ~~C-D.~~ Firearms and weapons, as defined in section 790.001, F.S., are prohibited within any building or upon any person located on the premises, excluding privately contracted security, federal, state, or local law enforcement officers.
- ~~D-E.~~ Narcotics, alcohol, or other impairing drugs/paraphernalia must not be present on the premises or in vehicles used by child care facility.

3.33.13 Rooms Occupied by Children

3.3.4 3.13.1 Lighting

- A. All areas of the facility must have lighting that provides adequate illumination and comfort for facility activities, a minimum of 20 foot-candles of lighting is required. Lighting must be sufficient to allow for adequate supervision and safe entering, and exiting, of the room.
- B. For reading, homework, painting and other close work areas, 50 foot-candles at the work surface isare required.
- C. During naptime, lighting must allow child care personnel to visually observe, and supervise, children.

3.3.23.13.2 Windows and Screens

~~When the windows or doors are open for more than entering/exiting purposes, all buildings must have and maintain screens to~~ All openings to the outer air shall be effectively screened. When the windows or doors are open, buildings must have, and maintain, screens to prevent entrance of insect or rodent into the building. Seals, gaskets, or casings around windows and doors must be free from gaps or openings that will allow the entry into the building of insects and rodents when the doors or windows are closed.
~~prevent entrance of any insects or rodents. Screens are not required for open-air classrooms and picnic areas.~~

3.3.33.13.3 Temperature and Ventilation

- ~~A.~~ An inside temperature of 65- to 82 degrees Fahrenheit must be maintained at all times.
- ~~A.~~
- B. Adequate ventilation must be maintained in all areas of the facility, in particular in areas where arts and crafts are conducted, and during any cleaning, sanitizing, or disinfecting procedure, to prevent children and child care personnel from inhaling harmful, or potentially toxic, fumes.

3.43.14 Licensed Capacity

3.4.13.14.1 Licensed Capacity

- A. The capacity, as calculated by the DOH-Palm Beach licensing authority, must be posted in a conspicuous location within each room.
- B. The licensed capacity of a child care program is determined by the following factors:
 - 1. Indoor floor space;
 - 2. Outdoor square footage;
 - 3. Sewer/septic capacity (as determined by Environmental Health Program)
 - 4. Number of drinking fountains and/or water dispensers;
 - 5. Number of toilets/wash basins.

Licensed capacity is determined by the most restrictive of these factors.

- C. The total number of children in care on-site, and while on field trips, may never exceed the facility's licensed capacity.

3.4.23.14.2 Indoor Square Footage/Usable Floor Space

- A. A child care that had a valid license on October 1, 19921992, must have a minimum of twenty (20) square feet of usable indoor floor space for each child. This provision is not affected by a change of ownership as long as the program remains continuously licensed at the original site. A child care facility that did not hold a valid license on October 1, 19921992, and seeks approval to operate as a child care facility must have a minimum of thirty-five (35) square feet for each child.

A.

- B. Usable indoor floor space refers to space available for indoor play, classroom, work area, or nap area.

B.

- C. To determine overall facility capacity, usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures, and non-movable furniture. Kitchens and designated food preparation areas, offices, laundry rooms, storage areas, hallways, and other areas not normally used or accessible to the children in daily operations, are not included when calculating usable indoor floor space to determine total facility capacity.

C.

- D. Each room routinely used as a classroom must provide the minimum thirty-five (35) square footage of usable indoor floor space per child.

D.

- E. Shelves or storage for toys, and other materials, will be considered as usable indoor floor space if accessible to children.

E.

- F. Each child care facility shall have at least one (1) approved drinking fountain for each thirty (30) children or provide a potable water supply with a dispenser and disposable cups that are in the facility and in the outdoor play areas that are easily accessible to children.

F.

- G. Where infants are in care, they must have open indoor floor space, outside of cribs and playpens. The space used for play may be the same space used for cribs and play pens, if the cribs and play pens can be moved to allow for open floor space.

G.

- H. The infant and one year old rooms must have at a minimum, two (2) exits and one (1) opening directly to the outside.

- I. The following indoor square footage/usable floor space requirements are used in school-age child care programs:
 1. Usable indoor floor space refers to space that is at all times under the exclusive control of the program and available for indoor play, classroom, work area, or rest area, while children are in care.
 2. A school-age child care program may request permission from the licensing authority to operate under an exception to usable indoor floor space. The written request must include an explanation of why the exception is necessary (for example, the program has a large outdoor play area with pavilions and a court yard that is being used interchangeably with the limited classroom space indoors for homework and art center. Additionally, this space can be used during inclement weather).
 3. During sedentary activities, room capacity may be reduced to 20 square feet per child.
 4. The program environment must provide dedicated, usable safe space for all activities during hours of operation.
 5. The space must be arranged to be conducive for simultaneous social, recreational, and educational activities.
- A.6. There must be adequate and convenient storage space for equipment, materials and the personal possessions of children.

3.4.33.14.3 Multipurpose Rooms

- A. Space that is used as a common dining area, or for large group assemblies/activities, is included in the usable indoor floor space for purposes of determining overall facility capacity.
- B. Common area (i.e., multiple purpose rooms or dining rooms) square footage may not be counted in such a manner as to expand the capacity of individual rooms in the facility.
- C. Square footage per child and room capacity are determined on a room-by-room basis.
- D. While a common area is being used for dining, or specific large group assemblies/activities (special events), the applicable 20-or-35- square foot requirement of usable indoor floor space does not apply, although supervision and ratios must still be maintained. This means that for special events, the overall room capacity may be greater than it would be under normal use; however, the facility must maintain minimum square footage per child in accordance with the local fire authority requirements.
- E. Common area square footage may not be counted toward the facility's overall capacity unless the space is used regularly, and other classroom capacity requirements are not exceeded.

3.4.43.14.4 Outdoor Square Footage

The play area must be sufficient and safe to allow freedom of movement without collisions among active children. Children benefit from being outside as much as possible, and it is important to provide sufficient outdoor space to accommodate them.

- A. A child care facility must have a minimum of 1500 square feet of outdoor play area.
- B. There must be a minimum of forty-five (45) square feet of usable, safe, and sanitary outdoor play area per infant and one-year-old child. At a minimum, this outside play area must be able to accommodate one-half of the infant and one-year-old licensed capacity of the program.
- A-C. There must be a minimum of seventy-five (75) square feet of usable, safe, and sanitary outdoor play area per child, two (2) years old and older child one year of age and older. At a minimum, this outside play area must be able to accommodate one-half of the children two (2) years of age, or older, licensed capacity of the program.
- B. ~~For the purposes of a licensed urban child care facility, an additional minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity shall be substituted for outdoor play space. The urban child care facility must provide this additional indoor space with equipment that provides physical activity appropriate to the age of the children.~~
- G-D. Based on the outdoor square footage, the total number of children using the play area may not exceed the outdoor capacity.
- E. For Indoor Recreational Facilities, or facilities that provide only evening child care, outdoor play space is not required provided an open area within the existing indoor space is designated and available for play that promotes the development of gross motor skills.
- F. For Indoor recreational facilities that have less than 3000 square feet of usable indoor floor space, an outdoor play area must be provided.
- G. Facilities that provide only evening care, that have less than 1000 square feet of usable indoor floor space, an outdoor play area must be provided. Additionally, the outdoor play area must be equipped with adequate lighting.
- D-H. A school-age child care program may request, in writing, permission from the licensing authority to operate under an exception to the minimum outdoor square footage requirement. The written request must include an explanation of why the exception is necessary, as well as an alternate plan for inclusion of fine and gross motor skills opportunities, and an alternate plan to accommodate instances of bad weather. (For example: a program is located in an industrial park where there is limited green space. However, indoors there is a gymnasium available for use by the children for gross motor activities).

3.53.15 Outdoor Play Area

- A. The outdoor play area must be clean and free from litter, nails, glass, and other hazards.
- B. The outdoor area must be adjacent to the facility, or accessible by a route free from safety hazards, and designed to allow child care personnel to clearly see children while playing on all equipment.
- C. The outdoor play area must provide shade. Shade may be provided by trees, buildings, or structures, and cover a minimum of twenty-five percent (25%) of the outdoor play area.

- D. Children must not come into contact with any surface or equipment which poses a burn risk.
- E. The facility's outdoor play area must be fenced, as required by local ordinances, to prevent access by children to all water hazards within, or adjacent to, outdoor play areas, such as pools, ditches, retention ponds, and fish ponds.
- F. The outdoor play area must have adequate fencing, or walls of a minimum of four (4) feet in height. Fencing, including gates, must be continuous and must not have gaps or opening larger than 3 ½ inches that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, and be free from erosion or build-up to prevent inside and outside access by children or animals. These areas must have at least two exits, with at least one being remote from the buildings. If an outdoor play area was approved for usage by DOH-Palm Beach, the Department prior to October 25, 2017, no new exits are required to be added to meet this standard. However, if outdoor play area fencing is changed then the standard would apply, and two exits must be provided.
- G. Classrooms serving infant and one-year-old children must have direct access to their designated outdoor play area.
- H. Any proposed changes to the outdoor play area must be reviewed, and approved in writing, by the local zoning, building, and fire departments having jurisdiction. Verification of this review and approval should be documented on a form prescribed by the DOH-Palm Beach. Form may be obtained from the following link: (click here for link).
- I. The school-age child care program may operate without a fence, if all of the following provisions are met:
 - 1. In addition to the established staff-to-child ratios, for the purpose of safety, an additional child care personnel is present at all times during outdoor activities, to assist in providing direct supervision;
 - 2. The outdoor play area, if bordered by a road or street open to travel by the public, shall have a posted or unposted speed limit of no more than twenty-five (25) miles per hour, or where the posted or unposted speed limit is no greater than thirty-five (35) miles per hour and the playground is a minimum of thirty (30) feet from the edge of the road; and
- F-3. DOH-Palm Beach has provided written authorization to the program to operate without a fence.

3.63.16 Napping/Sleeping Requirements

For the purposes of these requirements, "sleeping" refers to the normal night-time sleep cycle, while "napping" refers to a brief period of rest during daylight or early evening hours.

3.16.1 Rest Areas For School-Age Only Programs

- A. Nap bedding is not required for all school-age children in care; however, each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap for those children choosing to rest. Nap bedding includes sleep bedding, cots, or floor mats. Air and foam mattresses are prohibited.
- A-B. Sleep bedding is required if the school-age child care program provides evening overnight care for children. Sleep bedding must be a bed, cot, or mattress (excluding an air mattress or a foam mattress).

3.6.13.16.2 Bedding and Linens

Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Nap bedding is not required for school-age children. However, the program must provide an area for children that choose to rest.

- A. Sleep bedding includes beds, cribs, or mattresses. Air and foam mattresses are prohibited.
- B. If children are sleeping overnight in the facility, child care personnel must ensure accepted bedtime routines are practiced, such as brushing teeth, and washing face, and hands.
 - 1. Toothbrushes, towels, and wash cloths may not be shared.
 - 2. Toothbrushes must be stored so that they cannot touch each other.
- C. Nap bedding includes sleep bedding, cots, playpens, play yards, or floor mats. Air and foam mattresses are prohibited.
- D. Floor mats must be at least one-inch thick and covered with an impermeable surface and must be stored at a minimum of six (6) inches off the floor.
- E. Bedding must be appropriate for the child's size.
- F. Linens, if used, must be washed at least once a week and more often if soiled or dirty. Linens used by more than one child must be washed in between usage. Linens must be provided when children are sleeping, and pillows and blankets must be available. For children under the age of one, please follow the requirements outlined in section these rules-3.6-4.
- G. Bedding and linens, when not in use, must be stored in a sanitary manner which prevents the spread of germs, or lice, from other linens. All bedding and linens must be thoroughly cleaned and sanitized at least once a week, and before use by another child.
- H. Bedding and linens shall not be stored in the bathroom, unless stored in cabinets.
- I. No double or multi-deck cribs, cots, or beds may be used.

3.6.23.16.3 Nap/Sleep Space

- A. Each child care program must include a designated area where each child can sit quietly, or lie down, to rest or nap.
- B. When not in use, napping space and indoor floor space may be used interchangeably as indoor floor space.
- C. A minimum of 18 inches must be maintained around individual napping and sleeping spaces. A maximum of two sides of a napping or sleeping space may be against a solid barrier, such as the wall. The solid side of a crib does not meet the requirements for a solid barrier.
- D. Napping and sleeping spaces must not be under furniture or against furniture that creates a hazard.
- E. Napping and sleeping areas must not be in exit areas. All exits must remain clear in accordance with fire safety requirements.

3.6.33.16.4 Crib Requirements

Children up to one year of age must be in a crib or playpen/play yard with sides for napping. Crib sides must be secured while there is an infant in the crib. Bar spacing must not exceed two and three-eighths inches. Cribs or playpen/play yards must meet the regulations as outlined in Title 16, Parts 1219, 1220 & 1221 Code of Federal Regulations, 2014, which is incorporated by reference in rule 65C-22.001(7)(w), F.A.C. [A copy of Title 16, Parts 1219, 1220 & 1221 Code of Federal Regulations, 2014 may be obtained at \(Click here for link\).](#)

3.6.43.16.5 Safe Sleep

- A. All personnel that care for infants must follow safe sleep practices as recommended by the American Academy of Pediatrics (AAP) as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by reference in [rule 65C-22.001\(7\)\(v\), F.A.C.](#) Cribs or playpens/play yards used for infants must have tight fitted sheets and no excess bedding, which includes, but is not limited to: bumper pads, hanging mobiles, quilts, comforters, receiving blankets, pillows, stuffed animals, and cushions. [A copy of Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by reference in rule 65C- 22.001\(7\)\(v\), F.A.C., may be obtained at \(Click here for link\).](#)
- B. When napping or sleeping, young infants who are not able to roll over must be positioned on their backs and on a firm surface to reduce the risk of Sudden Infant Death Syndrome, unless an alternate position is authorized by a physician. Sleep sacks that fit according to manufacturer's recommendations, do not restrict the infant's arms, and will not slide up around the infant's face may be used for the comfort of the sleeping infant; however, swaddling shall not be used unless authorized in writing by the child's physician. Written documentation of a physician's authorization must be on file at the facility. Documentation must include the child's name, child's date of birth, description of sleep position required, instructions for the use of any equipment needed, and length of time authorization is valid.
- C. Children must not be placed in the cribs, playpens, play yards, or other sleeping and napping bedding with items that could pose a strangulation or suffocation risk. Cribs, playpens, play yards, and other napping and sleeping bedding being used by a child must be placed a minimum of 18 inches away from window blinds, draperies, or any window treatment/cover that pose a strangulation hazard.

3.73.17 Restrooms and Bath Facilities

- A. Each child care facility must provide and maintain bathroom facilities that are easily accessible, and at a height usable by the children. Platforms may be used if they are safely constructed and have an impervious surface that can be easily cleaned and sanitized.
- ~~A-B.~~ [Adult bathroom facilities must be provided and separate from those used by children.](#)
- ~~B-C.~~ Facilities must have a sufficient number of toilets and sinks for the number of children being served. For facilities having from one (1) to fifteen (15) children, there must be at least one toilet and one sink. There must be at least one additional toilet and sink for every thirty (30) children thereafter. For design and construction of a new child care facility or modification to an existing facility, the program must submit copies of permits obtained to do the work, or proof that the permit was satisfied according to the city/county local jurisdiction.
- ~~G-D.~~ If only diapered infants are in care at the facility, then one (1) toilet and two (2) sinks per thirty (30) infants is required.
- E. Potty chairs, if used, shall be in addition to the toilet requirements, and must be cleaned and sanitized or disinfected after each use.
- ~~D-F.~~ [A child-size toilet and sink solely for the use of one \(1\)-year-old children must be located in, across from, or adjacent to, room\(s\) that provide care to children one \(1\) year of age.](#)
- E-G. Bathrooms must not open directly into an area where food is prepared. A toilet

facility may open directly into an area used by children where food is served, such as into a classroom where tables/chairs have multiple uses.

F.4. Children must receive supervision, and assistance, as required by their age and developmental needs. They must be accounted for at all times while bathing and toileting.

- G. Every facility must have at least one (1) portable or permanent bath facility available for bathing children. The bath facility must be in good operation, clean, and must be sanitized or disinfected after each use.
- J. Running water, soap, trash receptacles, toilet paper, and disposable towels ~~or hand-drying machines~~ that are properly installed, and maintained, must be available and within reach of children using the bathroom.
- K. [Hand drying machines are prohibited in bathrooms used by children.](#)
- H.L. [All toilets must have an open seat.](#)
- I.M. Each toilet and sink must be maintained in good operating condition, cleaned and sanitized, or disinfected as needed, but at least once per day. Sinks utilized for teeth brushing activities/procedures by the children must be sanitized ~~prior before and after~~ the activity ~~occurring~~.

3.83.18 Fire Safety and Emergency Preparedness

To ensure the safety of children in care, facilities are required to receive yearly fire inspections by a certified fire inspector and they must perform monthly drills/exercises to practice fire, inclement weather, and lockdown procedures. Frequent practice of emergency procedures will facilitate a calm and competent reaction in response to an actual emergency, should it occur.

3.8.13.18.1 Operable Phone

There must be at least one (1) operable corded telephone that is neither locked, nor located at a pay station, that is available to all child care personnel at all times during the hours of operation.

3.8.23.18.2 Fire Safety

- A. Unless statutorily exempted, all child care facilities must conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. A copy of the current and approved annual fire inspection report, completed by a certified fire inspector must be on file with [the DOH-Palm Beach](#) licensing authority. If the program is granted a fire inspection exemption by the local fire inspection office, the exemption must be documented, and maintained on file, at the program. [A copy of Uniform Fire Safety Standards for Nonresidential Childcare Facilities may be obtained at \(Click here for link\).](#)
- B. Fire extinguishers with a minimum rating of 2A:10BC must be properly installed, serviced and maintained with current inspection tags at all times.
- C. The distance to the nearest extinguisher shall not be more than ~~seventyseventy-~~ [five \(75\)](#) feet from rooms occupied by children. A fire extinguisher must be present in vehicles used to transport children and areas where food is prepared.
- D. Automatic range-top fire suppression systems are required in the kitchen for facilities that deep fry food. Suppression hood systems must be maintained and inspected by a certified inspector. A copy of the current and approved annual inspection notating compliance with the Florida Fire Prevention Code as adopted in Chapter 69A-60, F.A.C, must be on file with [DOH-Palm Beach](#) ~~the licensing authority.~~ [A copy of The Florida Fire Prevention Code may be obtained at \(Click here for link\).](#)

3.8.33.18.3 Exit Areas

The exits must be clearly marked, identifying the path to safety in case of an emergency, at all times during the operation of the child care facility. The exits

must not be blocked at any time.

3.8.43.18.4 Fire Drills

- A. During the facility's license year, fire drills utilizing the alarm system, approved by the local fire authority, must be conducted monthly, at various dates and times when children are in care.
- B. When the facility's approved fire alarm alert system is activated, or initiated, all adults and children must evacuate the facility.
- C. A current attendance record and parent contact information must accompany child care personnel out of the building during a drill or actual evacuation and be used to account for all children. The operator must maintain a written record of the fire drills showing the date, number of children and child care personnel in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Each fire drill record must be maintained for a minimum of twelve (12) months from the date of the fire drill. The fire drills conducted must include, at a minimum:
 - 1. One (1) fire drill using an alternate evacuation route,
 - 2. ~~One~~ One (1) fire drill during napping/sleeping times, and
 - 3. One (1) fire drill in the presence, and at the request, of the licensing authority. This drill will be coordinated with the operator or designee.

3.8.53.18.5 Emergency Preparedness

- A. The operator must develop a written emergency preparedness plan that includes, at a minimum, procedures to be taken by the facility during a fire, evacuation, relocation, shelter in place, lockdown, and inclement weather (for example: hurricanes, tropical storms, or tornadoes), and to facilitate parent/guardian reunification onsite and offsite. The plan must describe how the facility will notify and update parents/guardians, as well as, meet the needs of all children, including children with special needs, or chronic medical conditions, during and following an emergency event. A current attendance record/classroom rosters and parent contact information must accompany child care personnel during the drill, or actual emergency, and must be used to account for all children. Daily classroom attendance rosters must be used to account for all children once gathered in a safe space after exit and upon return to the program.
- B. Lockdown and inclement weather drills shall be conducted a minimum of one time each, per operating year, when children are in care and the documentation of these drills must be maintained for twelve (12) months from the date of the drill. A lockdown or inclement weather drill may substitute for one monthly fire drill. Substitutions for fire drills may not occur more than three times within the licensure year. — Documentation of this substitution must be maintained for twelve (12) months from the date of the drill.
- C. The operator must maintain and post in an easily seen location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and child care personnel in attendance, and time taken for all individuals to complete the drill.
- D. Documentation of conducted fire and emergency preparedness drills must be available at the time of inspection. Documentation produced after the inspection will not be used to meet the licensing standard or corrective action requirements.
- E. The operator must prepare and post an emergency evacuation plan in each room of the facility, excluding restrooms, including a diagram of safe routes by

which the personnel and children may exit in the event of fire, or other emergency requiring evacuation.

- F. A facility that chooses to operate using an alternate power source, such as a generator, must have the power source permanently installed and maintained in accordance with the manufacturer's recommendations and comply with the Florida Building Code and the Florida Fire Prevention Code, [Chapter 69A-60](#), F.A.C. The alternate power source, and fuel supply, shall be located in an area that is not subject to flooding or damage from storm surge. Additionally, if the generator is gas powered, the facility must install and maintain a carbon monoxide detector.

[3.8.63.18.6](#) After a Fire, Man-made, or Natural Disaster

After a fire, man-made, or natural disaster, the operator must notify the licensing authority within [twenty-four \(24\)](#) hours of operational status in order for the licensing authority to ensure health standards are being met for continued operation.

[3.8.73.18.7](#) Emergency Procedures

Facilities must have a procedure for responding to situations when an immediate emergency response is required. A contingency plan for emergency or disaster situations needs to be in place when it may not be possible to follow standard emergency procedures. Emergency procedures must be posted and readily available. All providers and child care personnel must be trained to manage in an emergency.

- A. The facility must have a written plan for reporting and managing any incident or unusual occurrence that is threatening to the health, safety, or welfare of the children, or child care personnel, to the licensing authority. The following types of incidents must be addressed:
 - 1. Lost or missing child;
 - 2. Suspected maltreatment of a child;
 - 3. Injuries or illness requiring hospitalization or emergency treatment;
 - 4. Death of child or child care personnel;
 - 5. Presence of a threatening individual who attempts or succeeds in gaining entrance to the facility.

[3.93.19](#) Food Preparation/Food Service

[3.9.43.19.1](#) Food Preparation Area

A food preparation area is a designated room, such as a kitchen, or a designated space in a facility not normally used or accessible to the children in daily operations for indoor play, classroom, work or nap spaces, and not included when calculating usable indoor floor space.

- A. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of "preparation of food." Specific requirements for the food preparation area include:
 - 1. Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors, such as a fan, vent, or open window with a screen.
 - 2. Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food-contact surfaces are surfaces of equipment, countertops, utensils, etc., that food comes into contact with during food preparation.
 - 3. Food equipment maintained and stored in a sanitary manner and out of the

reach of children.

4. Shielded lighting.

5. Nonabsorbent and easily-cleaned walls, flooring, and floor covering.

5.

6. Easily cleanable and replaceable ceiling in the event of water and other damage, mildew or mold.
 7. A separate handwashing station with hot running water, a minimum of one hundred (100) degrees Fahrenheit. The handwashing station must include a sink with running water and drainage, soap, trash can, and disposable towels, or hand-drying machines that are properly installed and maintained. A handwashing sink shall not be used for any purpose other than handwashing. Handwashing stations must include posted signs visible to child care personnel and children demonstrating proper handwashing technique. Portable sinks may not be used for dishwashing or food preparation. If a portable sink is used for handwashing in the food preparation area, hot water must be provided.
 8. Leak-proof, non-absorbent containers covered with a tight-fitting lid for all food waste stored inside the facility. The container must be emptied, cleaned, and sanitized, or disinfected, daily.
 9. A food preparation area shall be clean and free of dust, dirt, food particles, and grease deposits.
- B. Child care personnel, while working in the food preparation area, must wear proper head covering, such as a hair net or hat. To prevent contact with ready-to-eat foods, child care personnel must use clean disposable gloves, utensils, or similar items in the food preparation area.
- C. For safety, children must not only be present in the food preparation area when meals and snacks are prepared unless being supervised or participating in a cooking activity for educational purposes and always under direct supervision.

3.9-23.19.2 Food Storage

Proper storage of food is essential to prevent food contamination, as well as, insect and rodent infestation. Correct handling and storage of all food is a key component in preventing food-borne illnesses. To prevent bacteria growth, cold food must be kept at, or below, 41 degrees Fahrenheit and hot foods at or above 135 degrees Fahrenheit.

Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area, or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if the site of storage is a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

- A. Food containers, such as cans, plastic containers, boxes, and bags must be stored above the floor, and on clean surfaces, protected from splash and other contamination.
- B. Stored food must be consumed, or discarded, on or before the expiration dates listed by the manufacturer.
- C. Poisonous/toxic chemicals, or cleaning products, must be stored separately from food. Products must not be stored on shelves above food preparation areas and/or food products intended for human consumption, unless placed in bins that are impermeable.
- D. Opened packages of perishable or leftover food items must be properly covered, or sealed, in containers or bags, labeled with the date, and properly stored and discarded within seven (7) calendar days.

A. Opened packages of dried goods must be properly covered/sealed, properly stored, and discarded, according to the manufacturer's recommended date, or if the quality of the food has been compromised.

E.

E.F. Refrigerators/freezers:

1. An accurate thermometer, designed to measure cold storage temperature, must be placed inside each refrigeration and freezer unit. Thermometers in refrigerators must show a reading of 41 degrees Fahrenheit, or below, and thermometers in freezers must show a reading of 0 degrees Fahrenheit, or below. The thermometer must be located in the center of the unit and be readily accessible. Thermometer temperature readings higher than specified above require further temperature testing of food samples stored in the unit, using a probe type thermometer; and adjustments to the unit setting to reach and maintain the required readings must be made.
2. Food may be frozen prior to the expiration date, but when thawed, it must be labeled with the date it was removed from the freezer and discarded within seven (7) calendar days.
3. Frozen food must be labeled by date and type noted below and stored according to the following table:

3.

Food Item	Months
Bacon and sausage	1 to 2 months
Casseroles	2 to 3 months
Frozen dinner and entrees	3 to 4 months
Ham, hot dogs, lunch meats	1 to 2 months
Meat, uncooked	4 to 12 months
Meat, uncooked ground	3 to 4 months
Meat, cooked	2 to 3 months
Poultry, cooked	4 months
Soups and stews	2 to 3 months

3.0.33.19.3 Food Safety

Handling of food in a safe and careful manner prevents the spread of bacteria, viruses, and fungi. Outbreaks of foodborne illnesses have occurred in many settings, including child care facilities.

B. A. Children are at a higher risk for contracting food-borne illnesses, as their bodies are in the process of growing, developing, and building adequate immune systems to fight illness. While some food-borne illnesses originate at farms or food manufacturing plants, the majority are the result of poor food handling practices.

A. B. If a child care facility provides food to children in care, it must provide nutritious meals and snacks of a quantity and quality to help meet the daily nutritional needs of the children. The USDA MyPlate is to be used to determine which food groups to serve at each meal or snack serving size and age appropriateness of the selected foods for children. Copies of the USDA MyPlate dieting guidelines, incorporated by reference in [rule 65C-22.001\(7\)\(t\)](#),

F.A.C. In addition, meals and snacks must contain, at a minimum, the meal and snack patterns shown for infants and children in the Child Care Food Program Meal Patterns which are incorporated by reference in [rule 65C-22.001\(7\)\(r\)](#) and (s),

F.A.C. [USDA MyPlate dieting guidelines may be obtained at](#)

[\(Click here for link\). Child Care Food Program Meal Pattern for Children may be obtained at \(click here for link\). Child Care Food Program Meal Pattern for Infants may be obtained at \(Click here for link\).](#)

A. Foods that are associated with young children's choking incidents must not be served to children under four (4) years of age, such as, but not limited to, whole/round hot dogs, popcorn, chips, pretzel nuggets, whole grapes, nuts, cheese cubes/sticks, and any food that is of similar shape and size of the trachea/windpipe. Food for infants must be cut into pieces $\frac{1}{4}$ inch, or smaller, food for toddlers must be cut into pieces $\frac{1}{2}$ inch, or smaller to prevent choking. This applies to all food, even food provided by parents/guardians.

B. If a facility chooses to provide food to children directly, or by contract with an outside source, such as a caterer, the food must be free from spoilage and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety.

1. Meat, poultry, fish, dairy products, and processed foods must have been inspected under the United States Department of Agriculture requirements.
2. No raw milk or unpasteurized juice may be served without the written consent of the parent or legal guardian.
3. No home-canned food may be served.
4. No homegrown eggs may be served.
5. Recalled food items must be discarded and removed from the facility.
6. All raw fruits and vegetables must be washed thoroughly before being served or cooked.
7. To prevent food from becoming potentially hazardous, hot foods must be maintained at a temperature of 135 degrees Fahrenheit, or above, and cold foods must be maintained at temperature of 41 degrees Fahrenheit, or below.
8. Foods that comprise meals included on a facility's menu may not be prepared, or partially prepared outside, of the facility, unless prepared by a caterer or a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.
9. Food must be thoroughly cooked and/or reheated according to the following table:

Food	Minimum Internal Temperature
Fruits, vegetables, grains, and legumes	135° F
Roasts (if Fresh b Beef, p Pork and l Lamb)	145° F (with a 3-minute rest time)
Fish	145° F
Eggs	Cook until yolk and white are firm
Egg dishes	160° F
Ground meats (beef, pork, and lamb) and fresh ham (raw)	160° F

Poultry- whole, parts, or ground	165° F
Leftovers	165° F
Foods cooked in microwave	165° F
Sauces, gravy, soups, <u>and</u> casseroles	165° F

- C. If a facility chooses to provide or make available food to children in care from an outside source, such as a caterer, or a licensed child care facility under the same ownership that includes a food preparation area that meets licensing
- C. standards, or as the result of a learning activity provided by a child care program, such as a garden, it is the responsibility of the provider to ensure all food intended for consumption by a child in care is free from spoilage and contamination and safe for human consumption.
1. A log must be maintained for all prepared meals being transported into the facility. The log must be retained for a minimum of twelve (12) months. The log must include the delivery date, time of arrival, quantity and types of food, verification by the recipient of adequate temperatures of food, and the name and signature of the recipient. The facility shall not accept food that is not at the appropriate holding temperature.
 2. If food delivered by an outside source does not meet licensing standards, the facility must have an alternate plan for meals.
 3. Parents and legal guardians must be advised in advance of each food-related activity, such as special occasions and learning activities that include food consumption. Written parental permission may be obtained in the form of a general or specific permission slip. Documentation of parent permission for food activities must be maintained for a minimum of twelve (12) months from the date of each activity.
- D. If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child. In the event that a child's parent fails to provide nutritious meals/snacks, the program must provide supplemental food items to complete the child's meal.
- E. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained in the child's file and followed. If the custodial parent or legal guardian notifies the program of any known food allergies, written documentation must be maintained in the child's file, for as long as the child is in care. Special food restrictions must be shared with child care personnel posted in an easily seen location that is not readily visible by parents, or non-child care personnel, and followed.
- F. Meal and snack menus must be planned, written, dated, and posted at the beginning of each week in an easily seen place, accessible to the parents/guardians. Any menu substitutions must be noted on the menu. A generalized menu of possible snack choices for programs that receive food donations is acceptable. All meals and snacks prepared outside of the facility's kitchen, or designated food preparation area, such as catered food, must be listed along with the source. Daily meal and snack menus must be maintained for a minimum of twelve (12) months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and USDA requirements.

3.19.4 Meals and Snacks Schedule

Meal schedules may vary based on the duration of time the child is in care, but shall be at minimum as follows:

- A. Children in care for eight (8) and fewer hours shall be offered at least one (1) meal and two (2) snacks, or two (2) meals and one (1) snack;
- B. Children in care for more than eight (8) hours shall be offered at least two (2) meals and two (2) snacks, or three (3) snacks and one (1) meal;
- C. Children shall be offered food at intervals at least two (2) hours apart and not more than three (3) hours apart unless the child is asleep.
- D. All facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack, in addition to the number of meals necessary to meet the child's nutritional needs, as stated in these rules. Such snacks shall be served regardless of whether they are eligible for reimbursement under the Federal Food Program.
- E. Mid-morning snacks may be deleted if breakfast is served, provided that the routine mid-morning snack period is two (2) hours, or less, away from the time that breakfast is served. Young infants may require to be fed at shorter intervals than every two (2) hours to meet their nutritional needs and shall be fed accordingly.
- F. For drop-in childcare, where children are in care for three (3) or more hours, a nutritious snack shall be provided.

F.

3.9.43.19.5 Dishwashing and Sanitization

For facilities that prepare food, non-disposable food equipment, tableware, and utensils utilized for food preparation must be properly cleaned by pre-rinsing or scraping, washing, rinsing, sanitizing, and air drying. If the child care facility lacks adequate dishwashing and sanitation described in this section for dishes, equipment and utensils, only disposable single-use items may be used. All single service items must be discarded after each use. Food equipment, tableware and utensils used to prepare food must be washed and sanitized on-site except when

a caterer is used, and the caterer is responsible for dishwashing as evidenced by a written agreement. Dishwashing and sanitization must be accomplished by one of the following:

A. A dishwasher with a sanitizing cycle.

1. The dishwasher must use heat or chemical injection for sanitization.
2. If chemical sanitization is used, the wash water temperature must be set at a minimum of 120 degrees Fahrenheit, and the rinse water must be maintained at 75 degrees Fahrenheit.
3. Automatic sanitizing dispenser must be properly installed and maintained.
4. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during one full cycle per day.
5. If hot water is used for sanitization, the dishwasher must achieve a temperature of 160 degrees Fahrenheit on the surface of the equipment/dishes/utensils being washed.
6. The facility must have a means for measuring the required temperature either by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine.

B. An installed three compartment sink, or an installed two-compartment sink with a non-stationary or portable compartment receptacle.

1. Installed compartment sinks may be used to wash produce and to fill cooking pots and pans with water when not in use for dishwashing.
2. Sinks must be sanitized before and after each use.
3. The first compartment must be used for washing; the second compartment must be used for rinsing; and the third compartment must be used for sanitizing.
4. If only an installed two-compartment sink is available, the second compartment must be used for rinsing and a non-stationary or portable compartment receptacle must be available and used to sanitize.

C. Chemical Sanitization.

1. If chemical sanitization is used, an exposure time of at least seven (7) seconds is required for a chlorine solution of 50 mg/L that has a pH of 10 or less, and a temperature of at least 75 degrees Fahrenheit.
2. If other sanitizers are used, the manufacturer instructions must be strictly followed.
3. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.

D. Hot water sanitization.

If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half minute in hot water at a temperature of 170 degrees Fahrenheit or above. A thermometer designed to measure the water temperature must be available, and used, to confirm the appropriate temperature of the hot water during each use.

3.9.53.19.6 Food Handling

A. Classrooms with children that require the use of bottles and sippy cups must have a service utensil sink installed. This sink must be located outside of the diaper changing area, provided with hot and cold running water, not used for handwashing.

A Bottles and sippy cups provided by the facility must be washed, rinsed, and sanitized between each use and do not have to be labeled.

B.

B.C. Bottles and sippy cups brought from home shall be individually labeled with the child's first and last name and shall be returned to the custodial parent or legal guardian daily.

C.D. Milk and food must not sit out for longer than fifteen (15) minutes prior to the beginning of the meal to avoid contamination and spoilage. Food must not be served to children at more than 110 degrees Fahrenheit. Allow time for food to cool before serving to children that does not exceed fifteen (15) minutes.

D.E. Child care personnel, while distributing snacks and serving food, must use disposable gloves, utensils, or similar items to prevent skin contact with food.

E.F. Food provided by parents/guardians must be properly stored and handled in a sanitary manner at all times to prevent contamination or spoilage. If food is supposed to be kept cold, the food must be stored in a refrigerator until eaten, or parents/guardians must include ice packs to keep food cold.

3.9.63.19.7 Breastmilk, Infant Formula, and Food

A. Breastmilk and formula must be handled in a sanitary manner at all times, and according to manufacturer's instructions, and instructions by parents/guardians. If instructions are not readily available, child care personnel must obtain information from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by [reference in rule 65C-22.001\(7\)\(v\), F.A.C. Caring for Our Children Basics, Health and Safety Foundations for Early Care and Education may be obtained at \(Click here for link\).](#)

B. The provider must make sure all formula and food brought from home are labeled with the child's first and last name. The provider is responsible for the label; therefore, if the label is not completed by the parent, child care personnel must put the label on when the formula or food is received.

C. Breastmilk or infant formula provided for a specific infant, by a parent or guardian, should not be fed to other children. In the event that the wrong breastmilk or formula is given to an infant in care, the provider must immediately inform the child's parent or legal guardian of the incident, as well as the parent or legal guardian of the infant that the formula or breastmilk was intended for. These incidents must be documented as an accident/incident.

D. Prepared bottles must be placed in the refrigerator immediately and used within twenty-four (24) hours.

E. Previously opened baby food jars must not be accepted at the center. If food is fed directly from the jar by the caregiver, the jar can be used for only one feeding and the remainder discarded.

F. Providers must develop and follow procedures for the preparation and storage of expressed breastmilk that ensures the health and safety of all infants, as outlined by the Academy of Breastfeeding Medicine Protocol, and prohibits the use of infant formula for a breastfed infant without parental consent, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by [reference in rule 65C-22.001\(7\)\(v\), F.A.C. Caring for Our Children Basics, Health and Safety Foundations for Early Care and Education may be obtained at \(Click here for link\).](#)

B.G. Due to the extreme risk of choking, solid foods, including cereal, may not be given in bottles or with infant feeders to children with normal feeding habits.

unless authorized by a physician. The physician's order must be maintained in the child's file. Solid foods may not be fed to an infant younger than four (4) months of age, unless directed by a physician. Solid foods must be of a safe consistency and must be developmentally appropriate for the age and developmental ability of the infant.

3.9.73.19.8 Bottle Warming

For optimum digestion, breastmilk, and infant formula, should be served at body temperature.

- A. All B bottle warming devices ~~and crock pots, including and the~~ cords, must be kept inaccessible to children at all times.
- B. Devices must be maintained on the lowest possible temperature setting and must be secured in such a way as to prevent them from tipping over, splashing, or spilling.
- C. Any bottle warming device that has a water reservoir must be emptied, washed, and refilled each day.
- ~~C-D.~~ Crock pots are prohibited in child care facilities.
- ~~D-E.~~ Bottled breast milk, infant bottles, and formula must not be heated in the microwave.
- ~~E-F.~~ Heated bottles and foods must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.
- ~~F-G.~~ A bottle can only be warmed once. A warmed bottle cannot be returned to the refrigerator or re-warmed.
- ~~G-H.~~ All breastmilk and infant formula left in bottles after feedings must be discarded within one hour after serving an infant. Unused breastmilk may be returned to the parent in the bottle or container provided.

3.9.83.19.9 Drinking Water

- A. Clean, sanitary drinking water shall be readily accessible in indoor and outdoor areas, throughout the day. On hot days, bottle fed infants may be given additional breastmilk or formula mixed with water provided by their parent/legal guardian. Infants should not be given plain water in the first six months of life unless directed to by the child's physician. For the purposes of providing clean, sanitary drinking water, sink/water fountain combinations are prohibited if the handwashing sink is used for hygiene procedures after toileting or diaper changing.
- B. A licensed child care facility with a sink/water fountain combination in existence on September 16, 2019, will be allowed to continue to use the sink as long as the child care facility remains continuously licensed at the site occupied, notifies ~~DCF the Department~~ within ninety (90) days of the date stated above of the sink usage, and acknowledges, by signing a statement, that they are aware of the dangers of contamination and if it is proven by the Department of Health or other non- Department expert that contamination of the combination sink or a component of the combination sink caused illness/sickness and/or death of a child, they will be subject to relevant violations, up to and including a Class 1 violation, and all corresponding enforcement action(s). The usage of the sink/water fountain combination shall not be affected by any change in the ownership of the site. If the provider seeks to replace the sink, the provider will be required to replace it with a non-combination sink.

3.20 Sanitation

Other sanitizing or disinfecting agents may be used in accordance with the manufacturer's specifications, provided that such use renders the items ninety-nine per cent (99.9%) germ free and leaves no toxic residue. Where such alternative sanitizing agents are used, the facility shall obtain, and keep on hand at the facility, appropriate Material Safety Data Sheets (MSDS) for those products. These shall be obtained, and kept on file, at the childcare facility for each sanitizing agents that may be used instead of bleach water solutions. MSDS shall be kept on file for a period of twelve (12) months following the cessation of use of the product, should the facility revert to using bleach water solutions.

3.10

3.10-13.20.1 Handwashing

Child care personnel and children must wash their hands thoroughly with soap and running water, dry, and follow personal hygiene procedures for themselves and while assisting others. Examples of activities when handwashing is required include, but are not limited to: before and after eating, immediately following outdoor play, after toileting, following the use of any cleaners or toxic chemicals, before chemicals, before and after administering medication, and during food preparation and snack distribution.

- A. Child care personnel and children must follow the Centers for Disease Control guidelines for handwashing incorporated by reference in rule 65C-22.001(7)(u), F.A.C. [Center for Disease Control guidelines may be obtained at \(Click here for link\).](#)
- A.B. Liquid soap and paper towel must be provided at all hand washing stations and used during handwashing.
- B.C. The use of hand sanitizers does not substitute for handwashing. However, in areas away from the facility where no running water is available, hand sanitizers may be used. Examples of such places are field trips, nature trails, or picnic areas where running water is not readily available.
- C.D. Child care personnel with open wounds and/or injury that inhibits handwashing, such as casts, bandages, or braces, must not prepare food.
- D.E. Situations or times that children, child care personnel, and/or volunteers must perform hand hygiene must be posted in all food preparation, diapering, and toileting areas.

3.10-23.20.2 Diapering Requirements

- A. When children in diapers are in care, a hand-washing station [must be within three \(3\) feet of the diaper changing station that is solely used by child care personnel. The ~~that includes a sink~~ must be adult height, with a rim of 32-34 inches above the floor's surface, provided with hot \(not to exceed 110 degrees Fahrenheit\) and cold running water, soap, trash receptacle, and disposable towels ~~or hand drying machines that are properly installed and maintained~~ shall be provided in the room or in an adjoining area which opens into the room.](#)
- B. Hands must be washed and dried thoroughly after each diapering, or toileting, procedure, and all surfaces that have been touched must be cleaned and sanitized, or disinfected, to prevent the spread of germs.
- C. Handwashing sinks must not be used for food service preparation, dishwashing, ~~or food clean up,~~ [or storing bottles or other food utensils.](#)
- D. The diaper changing area must be physically separated from the food preparation, food service, and feeding area.

- E. When children in diapers are in care, there must be a diaper changing area with an impermeable surface that is cleaned and sanitized, or disinfected, after each use. If a disposable permeable covering is used, this covering must be properly discarded after each use.
- F. Children must be directly attended at all times when being diapered or when changing clothes. Child care personnel must not leave children unattended on a table or countertop. A safety strap or harness must not be used on the diaper changing table/surface.
- ~~G.~~ Items unrelated to diaper changing shall not be stored in the diaper changing area, nor shall they be placed on the diaper changing table.
- ~~G.~~
- H. There must be a supply of clean diapers, clothing, and linens at all times.
- I. When diapers, clothing or linens that are being used become soiled or wet, they are to be changed immediately, and properly disposed.
- J. Soiled or wet disposable diapers must be disposed of in a plastic lined, securely covered container that is not accessible to the children. The container must be emptied, cleaned and sanitized or disinfected, at least, daily.
- ~~K.~~ Soiled cloth diapers must be emptied of feces in the toilet and soiled or wet cloth diapers shall be placed in a securely covered container that is not accessible to ~~the~~ children. The container must be emptied, cleaned and sanitized, or disinfected, at least, daily.
- ~~K-L.~~ Soiled, reusable diapers shall be emptied of feces in the toilet and placed in a secured covered container which is not accessible to children. The container shall be emptied and sanitized, or disinfected, at least, daily.
- ~~L-M.~~ Diaper changing procedure must be posted in the changing area and followed to protect the health and safety of children and child care personnel.

3.113.21 Indoor Equipment

Equipment, materials, furnishings, and play areas should be sturdy, safe, and in good repair. Provider should monitor the Consumer Product Safety Commission (CPSC) recommendations for use of equipment. Walls, ceilings, floors, furnishings, equipment, toys, and other surfaces should be suitable to the location and the users. They should be maintained in good repair, free from visible soil, and clean. Equipment and furnishings must be arranged to allow direct supervision of children by child care personnel from all areas within a room/play area. Bookshelves, televisions, and other heavy furnishings must be stable and secured as to not pose a threat of falling over. In efforts to prevent children from climbing to dangerous heights or enabling them to reach hazardous items, chairs and other furnishings must be placed away from cabinets and shelves. The program should make accommodations to the program environment and schedule so that children with special needs may participate.

- A. A child care facility must make available toys, equipment, and furnishings suitable to each child's age and development, and of a quantity for each to be involved in activities.
 - B. Toys, equipment, and furnishings must be safe and maintained in a sanitary condition following a routine schedule of cleaning, sanitizing and disinfecting. These items must be cleaned, and sanitized or disinfected immediately, or prior to another child's use if exposed to bodily fluids, such as saliva. Facilities must have a written routine schedule for cleaning, sanitizing and disinfecting equipment, materials, furnishings and play areas. This schedule must include items to be cleaned, sanitized or disinfected on a daily or weekly basis. Daily indoor equipment items include, but are not limited to: counter/table tops, toys, drinking fountains, floors, diaper pails, toilets, and sinks. Weekly indoor equipment items include, but are not limited to: linens, machine washable cloth toys, play activity centers, dress-up clothes, cribs, mats, and cots.
 - C. Facilities must provide age appropriate seating for the number of children eating meals and snack at one time.
 - ~~D. Moveable, or non-stationary, indoor climbing structures require padding for landing. Permanent, or stationary, playground equipment installed indoors must meet the same requirements for installation and use as outlined in the Outdoor Equipment [Section in these rules](#)~~
- ~~3.12D. B, C, D, E, F and I.~~
- E. Bath tubs, buckets, diaper pails, and other open containers of water must be emptied immediately after use.

3.22 3.12 Outdoor Equipment

- A. A child care facility must provide, and maintain, enough usable equipment suitable to each child's age and development and of a quantity for each to be involved in activities.
- B. All playground equipment must be securely anchored, unless portable or stationary by design, in good repair, maintained in safe and sanitary condition, and placed to ensure safe use by the children. Maintenance must include inspections conducted every month of all supports above and below the ground, and of all connectors and moving parts. Documentation of maintenance inspections must be maintained for 12 months.
- C. All equipment, fences, and objects on the facility's premises shall be free from sharp, broken and jagged edges, and properly placed to prevent overcrowding or safety hazards in any one area.
- D. Permanent or stationary playground equipment must have a fall/use zone that extends a minimum of six (6) feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls.

1. If the ground cover in place is loose ground cover (such as, but not limited to: mulch, shredded rubber chips, or sand) a minimum of six (6) inches in depth is required in the use zone. Asphalt, concrete, hard packed dirt, hay, grass, or leaves are unsuitable for use in the use zone area.
2. If the ground cover in place is a unitary playground surface, then the unitary surfacing materials must be installed, maintained, or replaced according to manufacturer's instructions. Unitary surfaces must be tested to, and comply with ASTM F1292; documentation of test data must be retained at the facility and available for licensing to review. [ASTM F1292 may be obtained at \(Click here for link\)](#).
3. If the play area was approved by [DOH-Palm Beach the Department](#) prior to January 1, 2020 and does not meet the six (6)-foot fall/use zone requirement, then the facility must submit a written notification, including photographs and layout of the play area, to [DOH-Palm Beach the Department](#) prior to or on April 1, 2020, notifying its intention to continue to operate using the prior approved play area. However, if the permanent, or stationary, playground equipment is moved or replaced then the standard would apply, and six (6) feet of use zone must be provided. Any new equipment added would be required to have the six (6) feet of use zone in all directions from the perimeter of the equipment.
- E. Equipment used for climbing should not be placed over, or immediately next to, hard surfaces such as asphalt, concrete, dirt, grass, or flooring covered by carpet, or gym mats, not intended for use as surfacing for climbing equipment.
- F. All equipment used in the outdoor play area must be constructed, and maintained, according to manufacturer's recommendations and allow for water drainage. Any open containers with water must be emptied immediately after use, i.e. pots, toys, or other equipment that collects water.
- G. Sandboxes must be covered at the end of each day. The covering used must prevent access to the sandbox by animals.
- H. Wading pools, including inflatable water slides with a landing area where water collects, are prohibited.
- I. The provider shall maintain manufacturer's instructions on file, electronically, or in paper format, for outdoor playground equipment purchased, or installed, on or after January 1, 2020, and/or have available for licensing to review upon request.

4 Training

Training requirements of this section do not apply to child care personnel who do not work directly with the children, such as cooks, book keepers, and janitors who are considered "other personnel". If at any time "other personnel" fill in for classroom child care personnel and are in direct care of the children, training is required.

Child care personnel, in compliance with the school-age requirements, shall be considered in compliance with the child care personnel training requirements.

4.1 Beginning Training

Child care personnel including volunteers who work ten (10) hours or more per month must begin training within ninety (90) days of employment in the child care industry and successfully complete [DCF department's](#) training within twelve (12) months from the date training begins. Training taken prior to employment in the child care industry does not constitute "begin training". The "begin training" timeframes begin at the time of employment in the child care industry. Training completion may not exceed fifteen (15)

months from the date of employment in the child

care industry, in any licensed Florida child care facility. This may be accomplished by classroom attendance in a [DCF department](#)-approved training course, acquiring an educational exemption from a [DCF department](#)-approved training course, beginning a [DCF department](#)-approved online child care training course, or by receiving results from a [DCF department](#)-approved competency examination. The child care program is responsible for obtaining training documentation from child care personnel.

4.2 Training Requirements

4.2.1 Mandated Introductory Training

Child care personnel must successfully complete ~~forty~~ (40) hours of child care training as evidenced by successful completion of competency examinations offered by the [DCF department](#) or its designated representative, with a weighted score of ~~seventy~~ (70), or better. Child care personnel who successfully completed the mandatory ~~forty~~ (40)-hour Introductory Child Care Training, prior to January 1, 2004, are not required to fulfill the competency examination requirement.

A. Part I Courses ~~thirty~~ (30 Hours)

Child care personnel must complete all of the following:

- ✓ Child Care Facility Rules and Regulations
- ✓ Health, Safety and Nutrition
- ✓ Identifying and Reporting Child Abuse and Neglect
- ✓ Child Growth and Development
- ✓ Behavioral Observation and Screening

B. Part II Courses ~~ten~~ (10 Hours)

Child care personnel must also complete ~~ten~~ (10) hours of the following Part II courses:

- ✓ Special Needs Appropriate Practices ~~ten~~ (10 hours), or
- ✓ Understanding Developmentally Appropriate Practices ~~five~~ (5 hours) and one of the following courses:
 1. Infant and Toddler Appropriate Practices ~~five~~ (5 hours)
 2. Preschool Appropriate Practices ~~five~~ (5 hours)
 3. School-Age Appropriate Practices ~~five~~ (5 hours)

4.2.2 Early Literacy Training

Pursuant to Section 402.305(2)(e)5., F.S., all child care personnel must complete a single course of training in early literacy, and language development, of children ages birth through five ~~(5)~~ years that is a minimum of five ~~(5)~~ clock hours or .5 CEUs. Early literacy training must be completed within ~~twelve~~ (12) months of date of employment in the child care industry. Proof of completion may be documented on a certificate of course completion, classroom transcript, or diploma. Child care personnel must complete one of the following:

- A. One of the [DCF department's](#) online literacy courses available on the [DCF department's](#) website.

- B. One of the DCF department's approved literacy courses. A list of these courses can be obtained from the DCF department's website. (No additional courses will be approved by the DCF department.)

C. One college level early literacy course (for credit or non-credit) if taken within the last five years.

G. A list of approved and recognized literacy course may be obtained from DCF's website at (Click here for link).

4.2.3 Safe Sleep/ Shaken Baby Syndrome Training

All child care personnel who work in a facility that offers care to infants must have training regarding guidance on safe sleep practices, preventing shaken baby syndrome and abusive head trauma; recognition of signs and symptoms of shaken baby syndrome and abusive head trauma; strategies for coping with crying, fussing, or distraught child, and the development and vulnerabilities of the brain in infancy in early childhood within thirty (30) days of hire at the facility. For child care personnel to satisfy this requirement, the training must be accomplished through one of following methods: DCF department's Health Safety and Nutrition course, Safe Sleep course, or the Early Learning Florida's Safe Sleep Practices. Documentation of training must be maintained on the Department's training transcript, in the child care personnel record.

4.2.4 First Aid and Cardiopulmonary Resuscitation (CPR)

- A. One-All child care personnel with current and valid certificate(s) of course completion for first aid training and one child care personnel with current and valid certificate of course completion for pediatric cardiopulmonary resuscitation (CPR) procedures must be present at all times that children are in care. The same child care personnel may satisfy both requirements. Documentation of first aid training must be kept on file and available for licensing to review.

B. By December 31, 2021, the facility shall maintain the following number of child care personnel with the CPR certification and first aid training that are on site at the facility at all times children are in care. For child care personnel to count to meet requirement in the below chart, they shall be child care personnel assigned to provide direct supervision of children in care:

<u>Total number of child care personnel in direct supervision of children to meet staff to child operating ratios:</u>	<u>Total minimum number of child care personnel with Pediatric CPR certification on site when children are present:</u>	<u>Total minimum number of child care personnel with first aid training on site when children are present:</u>
<u>0-25</u>	<u>3</u>	<u>3</u>
<u>26-50</u>	<u>4</u>	<u>4</u>
<u>51-75</u>	<u>5</u>	<u>5</u>
<u>76-100</u>	<u>6</u>	<u>6</u>
<u>101+</u>	<u>7</u>	<u>7</u>

A Director, on site when children are present, with pediatric CPR certification and first aid training may qualify as one of the child care personnel for purposes of meeting the above requirements.

- A. Documentation of pediatric cardiopulmonary resuscitation (CPR) certification

and first aid training must be kept on file and available for licensing to review. Child care personnel satisfying the certification and training requirements shall be present at all times that children are in care at the facility, and at least one child care personnel with the CPR certification and first aid training on field trips which includes all activities away from the program, and during all transportation activities.

~~C-B.~~ ~~Removed.~~

~~D-C.~~ Certificates of course completion are valid based on the time frames established by each first aid training and CPR certification program, not to exceed three (3) years.

~~E-D.~~ CPR courses must ~~include on-site~~ include on-site instructor- based skill assessments by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority.

4.2.5 Fire Extinguisher Training

All child care personnel shall be trained in the use and operation of a fire extinguisher, at each facility they are employed, within thirty (-30) days of date of hire. The facility must maintain documentation that all child care personnel have completed training.

4.2.6 Transportation Training

All child care personnel participating in the transportation of children must have training regarding guidance on safe transportation practices prior to participating in transportation of children. —For child care personnel to satisfy this requirement the training must be accomplished through the ~~DCF~~ Department's Transportation Safety course or the Early Learning Florida's Precautions in Transporting Children course. Child care personnel working at a facility currently providing transportation must complete training ~~by April 1, 2020~~. Documentation of training must be maintained on the training transcript in the child care personnel file.

4.2.7 Annual In-Service Training

Upon successful completion of the forty ~~—(40)~~-hour introductory training requirements, child care personnel must complete a minimum of ten (10) clock-hours, or one CEU of in-service training annually during the state's fiscal year, beginning July 1 and ending June 30.

- A. The annual ten (10) clock-hours, or one CEU of in-service, training concentration on children ages birth through twelve (-12) must be completed in one or more of the following areas (college level courses will be accepted):
1. Health and safety, including universal precautions, prevention of infectious diseases, sudden infant death syndrome, emergencies due to food and allergic reactions, shaken baby syndrome, use of safe sleep practices, administration of medicine, emergency preparedness, and handling of hazardous materials;
 2. Pediatric CPR;
 3. First Aid (may be taken to meet the in-service requirement only once every two years);
 4. Nutrition;
 5. Child development - typical and atypical;
 6. Child transportation and safety;
 7. Behavior management;

- 1-8. Working with families;
 - 2-9. Design and use of child-oriented space;
 - 8-10. Community, health, and social service resources;
 - 9-11. Child abuse;
 - 10-12. Child care for multilingual children;
 - 11-13. Working with children with disabilities in child care;
 - 12-14. Safety in outdoor play;
 - 13-15. Literacy;
 - 14-16. Guidance and discipline;
 - 15-17. Computer technology;
 - 16-18. Leadership development/program management and child care personnel supervision;
 - 17-19. Age-appropriate lesson planning;
 - 18-20. Homework assistance for school-age care;
 - 19-21. Food safety training;
 - 20-22. Developing special interest centers/spaces and environments;
 - 21-23. Other course areas relating to child care or child care management;
 - 22-24. Any of the online courses offered through DCFthe Department's child care website.
- B. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, which is incorporated by reference in rule 65C-22.001(7)(i), F.A.C., and included in the child care facility's personnel records. CF-FSP Form 5268 may be obtained from the DCFdepartment's website at www.myflfamilies.com/childcare. (Click here for link). A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the child care facility for review by DOH-Palm Beach ~~the~~ licensing authority.
- C. All child care personnel employed in the industry beyond fifteen (15) months, who change employment from one child care program to another during the fiscal year must complete the annual in-service training requirement.
- D. Child care personnel not in compliance with the annual in-service training requirement described in this section must complete the remaining in-service training requirement within thirty (30) days of the noncompliance finding by DOH-Palm Beach ~~the~~ licensing authority. These hours cannot be used to meet the current year's in- service training requirements.

4.3 Mandated Introductory Training for School-Age Child Care Facility

Child care personnel, including volunteers that work ten (10) hours, or more, per month, must successfully complete forty (40) hours of child care training as evidenced by successful completion of competency examinations offered by DCF, or its designated representative, with a weighted score of seventy (70) or better.

A. Part I Courses (28 hours)

School-Age child care personnel must complete all of the following:

- ✓ Child Care Facility Rules and Regulation (6 hours);
- ✓ Health, Safety, and Nutrition (8 hours);
- ✓ Identifying and Reporting Child Abuse and Neglect (4 hours);
- ✓ Understanding Developmentally Appropriate Practices (5 hours)
- ✓ School Age-Appropriate Practices (5 hours)

B. Part II Courses (12 hours)

The remaining twelve (12) hours must be met by successfully completing one of the training options identified below:

- ✓ DCF's school-age specific training and the competency examination offered by the DCF or its designated representative with a weighted score of seventy (70) or better.
- ✓ Completion of specialized school-age training, provided by a vocational-technical center, community college, college or university, national organization or affiliates of a national organization, that requires demonstration of competencies through passage of examination(s), or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency). Certificates must be uploaded to the Florida Pathways (Registry).
- ✓ School-age child care personnel with successful completion of introductory child care training for child care personnel as defined in s.402.305 (2), F.S., are considered in compliance with the school-age child care personnel training requirements

D. —

4.34.4 Break in Service

- A. In the event an individual leaves the child care industry in compliance with training requirements and returns to the industry, either at the same or to a different child care facility, he or she will be given ninety (90) days to comply with any new training requirements established during the gap in employment in the child care industry.
- B. In the event an individual leaves the child care industry not in compliance with the training requirements and returns to the industry either at the same, or to a different child care facility, he or she must comply with the training requirements described in this section, as well as any new training requirements that may have been added during the gap in employment in the child care industry prior to re-employment.

4.44.5 Training Exemptions

4.4.14.5.1 Competency Examination Exemptions

Child care personnel have one opportunity, if they choose, to exempt from one or more of the DCF department's Introductory Child Care Training courses prior to attending training by achieving a weighted score of seventy-seven (70) or better on the corresponding competency examination(s).

4.5.2 Literacy Training Exemption For School-Age Child Care Facility

School-age child care personnel are exempt from the training requirement of five clock hours of early literacy and language development of children from birth to five (5) years of age.

4.4.24.5.3 Educational Exemptions

- A. DCF The Department or its designated representative will exempt from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses those child care personnel who meet one of the following educational qualifications:
 1. Associate degree or higher with six (6) college credit hours in the areas of early childhood education/child growth and development, or degree in the area of elementary education with certification to teach any age birth through sixth (6th) grade.
 2. An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).
- B. DCF, The Department or its designated representative, shall exempt child care personnel with a bachelor's degree, or higher, in the areas of early childhood education/child growth and development from the Understanding Developmentally Appropriate Practices course, the Infant and Toddler

- Appropriate Practices course, and the Preschool Appropriate Practices course.
- C. ~~DCF~~ The Department or its designated representative, shall exempt child care personnel with a bachelor's degree, or higher, in the area of elementary education from the Understanding Developmentally Appropriate Practices course and the School-Age Appropriate Practices course.
 - D. ~~DCF~~ The Department or its designated representative, shall exempt child care personnel with a bachelor's degree, or higher, in the area of exceptional student education from the Special Needs Appropriate Practices course.
 - ~~D.E.~~ DCF shall exempt school-age program child care personnel with a Bachelor's degree, or higher, in the area of elementary education from the Understanding the Developmentally Appropriate Practices and School-Age Appropriate Practices course.

There are no educational exemptions from the Child Care Facility Rules and Regulations course or from the Identifying and Reporting Child Abuse and Neglect courses.

4.4.34.5.4 Part II Exemption

Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.

4.54.6 Documentation of Training

~~DCF~~ The Department's training transcript is the only acceptable verification of successful completion of the ~~DCF~~ Department's training, early literacy courses, and school-age training documentation.

- A. A copy of the ~~DCF~~ Department's training transcript may be obtained from the ~~DCF~~ Department's website at www.myflfamilies.com/childcare. (Click here for link).
- B. A copy of the training transcript must be included in each child care personnel's record maintained at the child care facility.
- C. Early literacy courses, and school-age training documentation, must be uploaded into the Florida Pathways (Registry), which may be accessed from the ~~DCF~~ Department's website at www.myflfamilies.com/childcare. (Click here for link).
- D. Any course completion certificate not documented on the training transcript will be considered invalid, requiring that the course(s) be retaken. Until the coursework is retaken and completed, child care facilities will be out of compliance for the mandatory training standard.

4.64.7 Staff Credentials

Pursuant to ~~Section~~ Rule 402.305(3), F.S. a licensed child care facility must have a minimum of one credentialed child care personnel for every twenty (20) children.

- A. A credentialed child care personnel is defined as a child care professional who has been issued a Staff Credential Verification documented on the individual's Training Transcript. Florida law requires that VPK instructional personnel possess an appropriate credential. If ~~DCF~~ the Department identifies that a designated VPK teacher does not have an active credential, ~~DCF~~ the Department will notify the local Early Learning Coalition, or its designated representative.
- B. To apply for a staff credential verification, a candidate must complete CF-FSP Form 5211, Florida Child Care Staff Credential Verification Application, which is incorporated by reference in rule 65C-22.001(7)(d), F.A.C., and may be obtained from the ~~DCF~~ Department's website at www.myflfamilies.com/childcare. (Click here for link).

The candidate must meet one of the following five qualifications as cited on CF-FSP Form 5211:

1. An active National Early Childhood Credential (NECC).
2. Formal Educational Qualifications.
3. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC); Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC).
4. An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC), or School-Age Professional Certificate (SAPC). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement. A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).
5. Employment History Recognition Exemption. An Employment History Recognition Exemption shall not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK), or towards a Director Credential. Effective July 1, 2006, ~~the Department~~ [DCF](#) discontinued issuing this exemption, however individuals that received the exemption prior were not affected by this change.

~~4.6.14.7.1~~ Calculating Number of Credentialed Personnel Necessary

- A. Child care facilities with nineteen (19) or fewer children or that operate less than eight hours per week are not subject to the staff credential requirement.
- B. For every twenty (20) children, a child care facility must have one (1) child care personnel who meets the staff credential requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed child care personnel, facilities with 40-59 children must have two credentialed child care personnel, and so on. ~~DCH-Palm Beach~~ [The](#) licensing authority will calculate the number of credentialed personnel required, based on daily attendance.
- C. Child care personnel meeting the staff credential requirement must work at the facility a minimum of twenty (20) hours per week, excluding naptime. A credentialed child care personnel must be on-site during all operational hours for those facilities that operate twenty (20) hours, or less, per week.
- ~~A-D.~~ Volunteers who work at the facility a minimum ~~of twenty (20)~~ (20) hours per week and meet the credential requirement may be included in calculating the credential ratio.
- ~~B-E.~~ Children who are five (5) years old, and who are enrolled in, and attend, a kindergarten program, or grades one and above, are excluded from the credential ratio.
- ~~D-F.~~ An individual with an inactive credential is ineligible to be counted as a credentialed child care personnel until the credential is renewed, or the individual meets one of the qualifications listed in above.

~~4.6.24.7.2~~ Training Documentation

A copy of the Training Transcript for each credentialed child care personnel must be maintained on-site, at the child care facility, in the employee personnel file and available for review by child care licensing staff. Child care facilities must maintain written documentation of credentialed personnel's work schedules for a period of Twelve (12) months. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

4.6.34.7.3 Staff Credential Renewal

- A. To maintain an active National Early Childhood Credential, it must be renewed through the agency that awarded the original credential or renewed as a Florida Birth Through Five (5) Child Care Credential. Once renewed, for licensing purposes, individuals must complete a CF-FSP Form 5211, Florida Child Care Staff Credential Verification Application to have the individual's Training Transcript updated with renewed credential information. An individual with an inactive National Early Childhood Credential may submit a renewal application, but while inactive the individual shall not be counted to meet the staff credential requirement. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed renewal application was processed.
- B. A staff credential awarded for formal education qualifications is always active and does not need to be renewed.
- C. To maintain an active Birth Through Five (5) or School-Age Child Care Credential, every five (5) years a candidate must complete the renewal Section of the CF-FSP Form 5211; if all criteria are met, the individual's Training Transcript will be updated with renewed credential information. Renewal applications may be submitted by the candidate no earlier than one year prior to the end of the active period of the Birth Through Five (5) or School-Age Child Care Credential. An individual with an inactive Birth Through Five or School-Age Child Care Credential may submit a renewal application, but while inactive the individual shall not be counted to meet the staff credential requirement. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five years from the date the renewal requirements are met.
- D. A staff credential awarded for Employment History Recognition Exemption is always active and does not need to be renewed.

4.7.4 Staff Credential Exemption

School-age child care programs are exempt from the staff credential requirement.
D.

4.74.8 Director Credential

~~Section Rule~~ 402.305(2)(g), F.S., requires a child care facility to have a credentialed director. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, Florida Child Care and Education Program Director Credential and Renewal Application, which is incorporated by reference in [rule 65C-22.001\(7\)\(k\)](#), F.A.C. CF-FSP Form 5290 may be obtained from ~~the DCF~~ department's website at www.myflfamilies.com/childcare. ~~(Click here for link)~~. All applications and documentation will be verified, and, if complete, the credential will be issued by ~~DCF, the Department~~ or its designated representative on CF-FSP Form 5252, Florida Child Care and Education Program Director Credential, which is incorporated by reference in [rule 65C-22.001\(7\)\(g\)](#), F.A.C.

- A. Each child care facility must have a credentialed director who is on-site a majority of hours, excluding weekends, and evening hours, that the facility is in operation. Documentation of majority of hours must be maintained and available for review ~~by DOH-Palm Beach~~ by the licensing authority.

- A.B. The Director Credential must be conspicuously posted in the facility.
- B.C. CF-FSP Form 5252, Florida Child Care and Education Program Director Credential, must be maintained at the facility for review by DOH-Palm Beach ~~the~~ licensing authority. A Director Credential, as documented on CF-FSP Form 5252, Florida Child Care and Education Program Director Credential, is active for five years from the date of issuance.
- G.D. An individual may not be the director of child care facilities that overlap in the hours of operation.
- D.E. An individual with an inactive Director Credential is ineligible to be the director of a child care facility.
- E.F. Every applicant for a license to operate a child care facility, or a license for a change of ownership of a child care facility, must document that the facility director has an active Director Credential, prior to issuance of the license.
- F.G. Child care facility owners must notify the licensing authority within five-two (2) working working days of when the facility loses a credentialed director, or when there is a change of director.
1. DOH-Palm Beach ~~The~~ licensing authority will then issue a provisional license for a period not to exceed six (6) months for any facility without a credentialed director.
 2. The provisional license will have an effective date of the first day the facility was without a credentialed director.
- H. In the absence of the operator, the designated person in charge shall be responsible for the overall on-site supervision of child care personnel, and shall be fully aware of matters pertaining to children's records, staff records, and the routine facility operation. Such person shall also be capable of responding to queries from parents, or representatives of DOH-Palm Beach licensing agency. The person left in charge of the facility in the absence of the operator shall be able to provide access to DOH-Palm Beach licensing authority for inspections, or investigations, and shall be able to provide access to all relevant records.
- I. The Director Credential is not required for certificate of substantial compliance facilities
2.

4.7.14.8.1 Director Credential Requirements for Before-School and/or After-School Sites Only

- A. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:
1. Three sites regardless of the number of children enrolled, or
 2. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before-school and after-school program shall be calculated and viewed as separate programs.
 3. In counties where the public school district has included four-year old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve four-year-old children in the before-school and after-school programs are required to have a credentialed child care personnel pursuant to the credentialing requirements in order to accommodate the four-year-old children.
- B. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:
1. Be at least twenty-one (21) years of age;

- 1.2. Have completed the approved forty (40) clock-hour Introductory Child Care Training approved by ~~DCF~~the Department; and
- 2.3. Have completed ~~DCF~~the Department's Part II specialized training ~~course~~Special course, Special Needs Appropriate Practices, or completed a minimum of eight hours of in-service training in serving children with disabilities; or
- 3.4. Have completed the ~~DCF~~Department's ten (10)-hour School-Age Appropriate Practices specialized training module, or the five (5)-hour Understanding Developmentally Appropriate Practices course and the five (5)-hour School-Age Appropriate Practices course.

4.7-24.8.2 Director Credential Renewal

- A. To maintain an active Director Credential at either level, candidates must complete the renewal section of the CF-FSP Form 5290, Florida Child Care and Education Program Director Credential and Renewal Application, which may be obtained from the ~~DCF~~Department's website at www.myflfamilies.com/childcare. ~~(Click here for link)~~.
- B. A Director Credential renewal, as documented on ~~the DCF~~the Department's training transcript is active for five (5) years from the date of issuance. The completed renewal application, including all required documentation, may be submitted to ~~DCF~~the Department for review and issuance of a Florida Child Care and Education Program Director Credential no earlier than one year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.
- C. If a renewal application is received after the end of the active period for the Director Credential, the Florida Child Care and Education Program Director Credential and Renewal Application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed renewal application was processed.

4.84.9 Training Providers

4.8-14.9.1 Part I and Part II Training Providers

Child care professionals approved to teach ~~DCF~~the Department's Child Care Training courses must meet, at a minimum, the following qualifications:

- A. Be at least twenty-one (21) years of age.
- ~~C.~~ Have completed ~~DCF~~the Department's six (6) clock hour Train-the-Trainer course.
- ~~B.~~
- ~~B.C.~~ Have one of the following educational and experiential credentials verified by ~~DCF~~the Department or its designated representative:
 - Four-year college degree, or higher, with six college credit hours in the areas of early childhood education/child growth and development, and 480 hours experience in a child care setting serving children ages birth through eight (8) years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting.
 - 1.
 - ~~1.~~ Associate degree in the areas of early childhood education/child growth and development, and 480 hours experience in a child care setting serving children ages birth through eight years.
 - 2.
 - ~~1.3.~~ Associate degree with six (6) college credit hours in the areas of

early childhood education/child growth and development, and 960 hours experience in a child care setting serving children ages birth through eight (8) years.

2. Four-year (4) college degree with a Florida teaching certificate and be currently employed by a school district in the state of Florida to teach Early Childhood Education in the Education and Training Cluster under the Department of Education Career and Technical Education ~~Program.TrainersProgram~~. Trainers who meet this education and experience qualification are limited to teaching only in the Florida Department of Education Early Childhood Professional Certificate (ECPC) and Child Care Apprenticeship Certificate (CCAC) programs.

4.

- 2.5. A high school diploma or GED; a National Early Childhood Credential or a ~~DCF~~Department-approved Birth Through Five (5) FCCPC and three years of full-time experience in a licensed family child care home within the past five years. Trainers who meet this education and experience qualification are limited to teaching only the six-hour (6) Family Child Care Home Rules and Regulations course.

- 2.6. Four-year (4) college degree, or higher, with six college credit hours in the area of elementary education, and 480 hours experience in a child care setting serving school-age children ages five (5) through twelve (12) years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting. Trainers who meet this education and experience qualification are limited to teaching only the five-hour School-Age Appropriate Practices course and five hour Understanding Developmentally Appropriate Practices course.

~~C.D.DCF~~The Department or its designated representative, may require a trainer to attend a specific child care training course prior to being approved.

4.8.24.9.2 Florida Birth through Five and School-Age FCCPC Child Care Professional Credential Training Program Providers

~~DCF~~The Department is responsible for ensuring the approved Birth Through Five and School-Age FCCPC Training Providers meet the program requirements. A list of approved "Birth Through Five and School-Age FCCPC Training Providers" may be obtained from ~~DCF~~the department's website at www.myflfamilies.com/childcare. (Click here for link).

- B.A. The operational status of a training provider that has been approved to provide the Birth Through Five and/or School-Age FCCPC Program and is currently accepting students will be referred to as "Compliant." A Compliant FCCPC Birth Through Five training provider shall submit the signed attestation page of CF-FSP 5191, which is incorporated by reference in paragraph 65C-22.001(7)(c), F.A.C., annually to ~~DCF~~the Department or its designated representative, on or by September 30, and an open FCCPC School-Age training provider shall submit the signed attestation page of the CF-FSP 5257, which is incorporated by reference in paragraph 65C-22.001(7)(h), F.A.C annually to ~~DCF~~the Department or its designated representative, on or by September 30. Compliant FCCPC training providers must ensure availability of all training program files to ~~the Department~~~~DCF~~ upon request and be subject to both informal and formal audits/observations. Compliant FCCPC training providers who wish to change their program status to Compliant/Non-operational or Closed must notify ~~DCF~~the Department in writing, of their intent and if they currently have enrolled students, they must provide a teach out

plan to ~~DCF~~the Department for the students to ensure they have an opportunity to complete their credential work.

~~E.B.~~ The operational status of a training provider who has been approved to provide the Birth Through Five and/or School-Age FCCPC Program, but is not currently accepting students shall be referred to as "Compliant/Non-operational." Compliant/Non-operational Birth Through Five and School-Age FCCPC training providers are required to maintain program accreditation or licensure during the time they are not accepting students. The signed attestation page of the CF-FSP 5191 (Birth Through Five Providers) and CF-FSP 5257 (School-Age Providers) is to be submitted annually to ~~DCF~~the Department or its designated representative. Prior to returning to Compliant status, the training provider must notify ~~DCF~~the Department in writing, of the intent to re-open the program and receive written approval from ~~DCF~~the Department before enrolling students.

~~A.C.~~ A training provider who has failed to maintain the requirements of the Birth Through Five and/or School-Age FCCPC program shall be deemed as "Non-compliant." Non-compliant Birth Through Five and School-Age training providers may not teach the FCCPC program and will be removed from the approved list.

~~B.D.~~ The operational status of a training provider who has voluntarily decided to no longer accept students shall be referred to as "Closed." Closed Birth Through Five and School-Age training providers may not teach the FCCPC program and will be removed from the approved list.

Training providers who offer the Birth Through Five and/or School-Age FCCPC training shall submit FCCPC training student completion documentation in the prescribed format to ~~DCF~~the Department for issuance of the FCCPC, and to update the graduate's child care Training Transcript.

4.8.34.9.3 Director Credential Training Providers

~~DCF~~The Department is responsible for ensuring the approved "Overview of Child Care Management" courses offered through accredited vocational-technical schools, community colleges, colleges, and universities meet the requirements for the Director Credential coursework. A list of approved "Overview of Child Care Management" courses may be obtained from ~~DCF~~the Department's website at www.myflfamilies.com/childcare. (Click here for link).

A. Currently approved vocational-technical schools, community colleges, colleges and universities offering "Overview of Child Care Management" courses must submit an annual attestation for Director Credential coursework, by September 30 to ~~the Department~~DCF, or its designated representative. Failure to submit a completed annual attestation shall result in revocation of course approval. Compliant "Overview of Child Care Management" training providers must ensure availability of all training program files to ~~the Department~~DCF upon request and be subject to both informal and formal audits. Upon receipt of each provider's proof of compliance, ~~the Department~~DCF will designate a program as one of the following:

1. Compliant, if the approved program has met the requirements, and is currently accepting students.
2. Compliant/Non-Operational, if the program has met the requirements, but is not currently accepting students.
3. Noncompliant, if the program has failed to maintain the requirements, or has voluntarily decided to no longer accept students. Noncompliant training

providers of Overview of Child Management courses will not be accepted by ~~the Department~~ DCF and will be removed from the approved list.

~~F.B.~~ ~~The Department~~ DCF will accept a Director/Administrator Credential/Certificate that has been issued by another state agency which authorizes an individual to be a director of a child care facility in that state, subject to approval by ~~the Department of Children and Families~~ DCF. Third party issuances of such credentials/certificates will not be accepted.

~~G.C.~~ Applications for "Overview of Child Care Management" course approval will no longer be accepted by ~~the Department~~ DCF. Child care program administration courses offered for college credit may be reviewed for acceptance to meet the Overview of Child Care Management requirement.

5 Background Screening

5.1 Initial Screening

A screening must be conducted as a condition of employment. The employer/owner/operator must review each employment application to assess the relevancy of any issue uncovered by the complete background screening, including any arrest, pending criminal charge, or conviction, and must use this information in employment decisions in accordance with state laws.

- A. Level 2 screening as outlined in s. 435.04, F.S., is required for all child care personnel and includes a criminal records check (both national and statewide), a sexual predator and sexual offender registry search, and child abuse and neglect history of any state in which an individual resided during the preceding five (5) years. All fingerprints must be submitted and processed through the Background Screening Clearinghouse and therefore a LiveScan vendor that is Clearinghouse compatible must be used for submission of fingerprints.
- B. The fingerprint results from the Federal Bureau of Investigation will be returned to DCF via the Florida Department of Law Enforcement. DCF will review both the federal and state criminal history results, along with state criminal records, national sex offender registry, Florida sex offender registry, and the Florida child abuse and neglect registry.
- C. DCF will issue an eligible or non-eligible result through the Clearinghouse upon completion of searches and results from other states, if applicable.
- D. The employer/owner/operator must conduct employment history checks, including documented attempts to contact each employer that employed the individual within the preceding five years, and documentation of the findings. Documentation must include the applicant's job title and description of his/her regular duties, confirmation of employment dates, and level of job performance. The employer/owner/operator must make at least three attempts to obtain employment history information. Failed attempts to obtain employment history must be documented in the personnel file and include date, time, and the reason the information was not obtained.
- E. The employer/owner/operator must send a request for a search of each state's criminal records if the individual has lived outside the state of Florida in the preceding five years. Visit [background screening on DCF's website at www.myflfamilies.com/backgroundscreening](http://www.myflfamilies.com/backgroundscreening) (Click here for link), click on the National Records Request link to obtain instructions and forms to complete to submit a request for the search. Documentation of the date the search was requested, and the date the results were received, must be maintained in the employee's file for review by the licensing authority. Once results are received, they must be forwarded

to DCF Background Screening unit for review. The results may be faxed to: (850-) 922-2895, emailed to: Background.screening@myflfamilies.com, or mailed to: Department of Children and Families Background Screening Unit, 2415 N. Monroe Street, Suite 1176, Tallahassee, Florida 32303. If the previous state of residence participates in the National Fingerprint File (NFF) Program, then a request for criminal history records will not be required. A list of states participating in the NFF may be found at this link: [https://\(Click here for link\)](#).

E-F. The Employer/owner/operator must send a request for a search of each state's child abuse and neglect registry if the individual has lived outside the state of Florida in the preceding five years. Visit [background screening on DCF's website at www.myflfamilies.com/backgroundscreening,\(click here for link\)](#) click on the National Records Request link to obtain the instructions, and forms to complete, to submit a request for a search. Documentation of the date the search was requested, and the date the results were received, must be maintained in the employee's file for review by the licensing authority.

F-G. The employer/owner/operator must conduct a search of the sexual offender/predator registry of any state the individual has lived in, outside the state of Florida, in the preceding five years. Visit [background screening on DCF's website at www.myflfamilies.com/backgroundscreening,\(Click here for link\)](#), click on the National Records Request link to obtain the instructions and forms to complete, to submit the request for a search. Documentation of the search date, and findings from each state, must be documented in the employee's file for review by the licensing authority.

G-H. The employer/owner/operator must maintain on-site, at the program, copies/documentation of completion of all applicable elements in the screening process for an individual in the personnel file for review by ~~the~~ [DOH-Palm Beach](#) licensing authority.

H-I. An individual may be hired under one of these circumstances:

1. If all components are complete with an eligible screening and documented in the employee's file.
2. 'Provisional hire' status upon notification email from ~~DCF~~ [the Department](#) allowing the individual to be hired for a forty-five (45)-day period while out of state records are being requested and awaiting clearance. During those 45 days the individual must be under the supervision of screened and trained child care personnel when in contact with the children.
3. Screening requests have been initiated, but before results have been received, the individual may be hired for training, and orientation purposes, only in accordance with s. 435.06(2)(d), Florida Statutes. Until screening is complete showing good moral character, the employee may not be in contact with the children as specified in this statute.

I-J. The employer/owner/operator must initiate the screening through the Clearinghouse prior to fingerprinting. Failure to initiate the screening may result in an invalid screening and the individual will have to be re-fingerprinted and pay the fees again.

J-K. The employer/owner/operator must add child care personnel to their Employee/Contractor Roster in the Clearinghouse within ten (10) days of when the individual has received a child care eligible result and has been hired at the facility. Employer/owner/operator must add an end date for individuals on the Employee/Contractor Roster in the Clearinghouse within 10 days of the employment termination.

K-L. The employer/owner/operator will receive an email notification if any employee on the Employee/Contractor Roster is arrested for a disqualifying offense. The employer/owner/operator is required to take appropriate action if an employee becomes disqualified from employment pursuant to s. 435.06, Florida Statutes.

L.M. If the facility is located in, or adjacent to, the home of the operator, then background screening documentation must be maintained for all household members. Household members aged twelve (12) to seventeen (17) years must complete a Juvenile Records Check with FDLE.

5.2 Re-Screening

A screening conducted under this rule is valid for five (5) years, at which time a re-screen must be conducted in the same manner as the initial screening.

- A. The five-year (5) re-screen is required for all child care personnel.
- B. The five-year (5) re-screen must include, at a minimum, a criminal records check (both national and statewide), a sexual predator and sexual offender registry search, and child abuse and neglect history of any state in which an individual resided during the preceding five (5) years.
- C. Child care personnel must be re-screened following a break in employment in the child care industry that exceeds ninety (90) days. Child care personnel/individual with a break in service that exceeds ninety (90) days are considered unscreened child care personnel/individuals until completion of re-screening. These child care personnel/individuals shall not have unsupervised contact with children in care.
- D. If child care personnel take a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five-year re-screen comes due during the leave of absence.

All screening and rescreening must be processed using the Background Screening Clearinghouse. [go to and [Click here for link https://apps.aflca.myflorida.com/SingleSignOnPortal/Login.aspx?ReturnUrl=%2FSingleSignOnPortal%2F](https://apps.aflca.myflorida.com/SingleSignOnPortal/Login.aspx?ReturnUrl=%2FSingleSignOnPortal%2F)]

6 Health Requirements

~~There are three common modes of transmission for the spread of microorganisms in child care settings: contact, droplet, and airborne. Many common infections encountered in the child care setting are transmitted by direct or indirect contact.~~ Child care facilities shall develop a written exposure plan regarding universal safety precautions, recommended by the Centers for Disease Control and Prevention (CDC), to follow in the event there is exposure to blood and potentially infectious fluids. Personnel are required to be educated on the facility's exposure plan regarding standard precautions before beginning to work and annually thereafter. Written documentation that child care personnel have participated in the facility's annual refresher education for the exposure plan, and understand the proper procedures, in the event there is exposure to blood and potentially infectious fluids must be retained for twelve (12) months and be available for [DOH-Palm Beach](#) licensing to review.

6.1 Communicable Disease Control

- A. Children in care must be observed on a daily basis for signs of communicable disease.
- B. Any child, child care personnel, or other person in the child care facility suspected of having a communicable disease must be removed from the program, or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. If the local health department [epidemiology program](#) official, or primary health care

provider, suspects that a child or child care personnel are contributing to the transmission of the illness, are not adequately immunized when there is an outbreak of a vaccine-preventable disease, or the circulating pathogen poses an increased risk to the individual. The child or child care personnel must not return until the health department, or primary health care provider, determines the risk of transmission is no longer present. Child care personnel who work in the food preparation area may not return until the signs and symptoms of the disease have not been present for forty-eight (48) hours.

B-C. A child's condition must be reported to the custodial parent or legal guardian. For children whose symptoms do not require exclusion, verbal or written notification to the parent/guardian at the end of the day is acceptable.

C-D. Signs and symptoms of suspected communicable disease include:

1. Severe coughing, causing a child to become red or blue in the face, or to make a whooping sound;
2. Difficult or rapid breathing;
3. Stiff neck;
4. Diarrhea (more than one abnormally loose stool within a twenty-four (24) -hour period);
5. Temperature of 100+ degrees Fahrenheit, or higher, in conjunction with any other signs of illness (Any infant younger than Two (2) months of age with fever should get immediate medical attention);
6. Pink eye;
7. Exposed, open skin lesions;
8. Unusually dark urine and/or gray or white stool;
9. Yellowish skin or eyes; or
10. Any other communicable disease symptoms.

D-E. A child identified as having head lice must not be permitted to return until the following day, and then only if treatment has occurred, and has been verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred. The child care facility must treat areas, equipment, toys, and furnishings with which the child has been in contact.

6.1.1 Isolation Area

- A. Each facility must have a designated isolation area for a child who becomes ill while in care.
- B. Such space must be adequately ventilated, cooled, heated, and equipped with a bed, mat, or cot, and materials that can be cleaned and sanitized or disinfected easily.
- C. Linens are to be changed after each use and used linens must be kept in a closed container, in the isolation area, until cleaned.
- D. Disposable items must be kept in a closed container, in the isolation area, until thrown away.
- E. The isolated child must be within sight and hearing of child care personnel at all times. The child must be carefully observed at all times for worsening conditions.

6.1.2 Outbreaks

- A. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease and must follow the health department's direction.
- B. A suspected outbreak occurs when two or more children, or child care personnel, have the onset of similar signs or symptoms within a seventy-two

(72)-hour period, or when a case of a serious or reportable communicable disease is diagnosed or suspected in a child or employee. Some examples include shigella, salmonella, chicken pox, measles, pertussis, tuberculosis, and hand, foot, and mouth disease. Contact your local health department for a determination of whether reporting is required.

B. _____

6.2 First Aid Kit Minimum Requirements

- A. At least one first aid kit must be maintained on the premises at all times. The kit(s) must be accessible to the child care personnel at all times and kept out of the reach of children. If the first aid kit is stored in the food preparation area, it must be stored in a manner to prevent contamination of food, food contact surfaces, or first aid supplies. First aid kits or supplies must be restocked after each use.
- B. A first aid kit must be accessible, and available, to child care personnel when children are participating on field trips, during transporting, and other activities away from the facility.
- C. Each kit must be kept in a closed container and labeled "First Aid" and must, at a minimum, include:
 - 1. Soap and hand sanitizer (to be used with supervision if hands are not visibly soiled and if no water is present),
 - 2. Adhesive bandages,
 - 3. Disposable, non-porous gloves,
 - 4. Cotton balls, or applicators,
 - 5. Sterile gauze pads, or rolls,
 - 6. Adhesive tape,
 - 7. Digital thermometer,
 - 8. Tweezers,
 - 9. Pre-moistened wipes,
 - 10. Scissors,
 - 11. Bottled water (for cleaning wounds, or eyes), and
 - 12. A current resource guide on first aid and CPR procedures.

6.3 Emergency Telephone Numbers

- A. Emergency service telephone numbers must be posted on or near all telephones, including 911, ambulance, fire, police, poison control center, Florida Abuse Hotline, and the county public health department. Additionally, the address and directions to the facility must be posted with descriptions of major intersections and local landmarks. Listed below are the telephone numbers for emergency services:

<u>National Poison Control Center</u>	<u>1-800-222-1222</u>
<u>911</u>	<u>911</u>
<u>Florida Abuse Hotline</u>	<u>1-800-962-2873</u> <u>Report Abuse online</u> <u>at (Click here for link)</u>
<u>Florida Department of Health, Palm Beach County Evening</u>	<u>561-840-4500</u>

- A.
- B. For life threatening injuries, the provider shall call 911 and then notify the parent.
- B-C. Written permission for emergency health care or treatment of the child must be obtained from the parent, including the names, addresses and telephone numbers of the child's physician to be called in case of emergency, and adults the operator can contact in case the parents are not available
- C-D. Custodial parents, or legal guardians, must be notified immediately if the event of any serious illness, accident, injury or emergency to their child, and their specific instructions regarding action to be taken under such circumstances must be obtained,

- ~~D-E.~~ and followed and documented in the child's file.
- ~~D-E.~~ If the custodial parent, or legal guardian, cannot be reached, the facility owner, or director, will contact those persons designated by the custodial parent, or legal guardian, to be contacted under those circumstances and must follow any written instructions provided by the custodial parent, or legal guardian, on the enrollment form.

6.4 Accident/Incident Notification

- A. All accidents, and incidents, or unusual occurrences, that are threatening to the health, safety, or welfare of a child that occur while the child is in care must be documented on the same day they occur.
- B. This documentation must be shared with the custodial parent, or legal guardian, on the date of occurrence.
- ~~C.~~ Documentation must include the name of the affected party, date and time of the occurrence, description of the occurrence, actions taken and by whom, and appropriate signatures of program child care personnel and the custodial parent or legal guardian. Program child care personnel signatures may include the director/child

- C. care personnel that witnessed the incident, who were involved in the incident, and/or responded to the child's needs.
- D. The documentation must be maintained for twelve (12) months. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident, or incident, the individual authorized to pick up the child must sign, and be provided a copy of, the accident/incident form.
- E. In the event of serious injury or death, the incident must immediately be reported to DOH-Palm Beach the licensing authority.
- E-F. Any unusual incident involving the child which may be reasonably construed to constitute abuse and/or neglect shall be reported to the Abuse Hotline at 1-800-962-2873 or website at (Click here for link), immediately, and to DOH-Palm Beach within twenty-four (24) hours of occurring. In addition, child care personnel who know, or have reasonable cause to suspect, that a child is abused, abandoned, or neglected by someone responsible for the child's welfare shall report such knowledge, or suspicion, to the Abuse Hotline, Online Portal, local law enforcement, and to DOH-Palm Beach.

6.5 Medication

Child care programs are not required to give medication; however, if a program chooses to do so, it must comply with the following requirements:

- A. The child care program must have written authorization from the custodial parent, or legal guardian, —to give prescription, and non-prescription, medications. This authorization must be dated, and signed, by the custodial parent, or legal guardian, and contain the child's name; the name of the medication to be given; and date, time, and amount of the correct dosage to be given. Prescription, and non-prescription, medications that are used on an "as needed" basis require the parent/ legal guardian to provide additional documentation on the authorization form to describe symptoms that would require the medication to be given. The child care provider must never administer a medication that is prescribed for one child to another child.
- B. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with child care personnel and posted with the child's stored medication.
- C. Prescription, and non-prescription, medication brought to the child care facility by the custodial parent, or legal guardian, must be in the original container. Prescription medication must have a label stating the name and contact information of the physician and/or pharmacy, child's name, name of the medication, and medication directions. All prescription, and non-prescription, medication must be dispensed according to written directions on the prescription label, or printed manufacturer's label, and maintained at the appropriate temperature.
- D. In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written permission from the parent, or legal guardian, to do so.
- E. Any medication given under these conditions must be documented in the child's file, and the custodial parent, or legal guardian, must be notified on the day of occurrence.
- F. The facility must maintain a record for each child receiving any medications that documents the full name of the child, the name of the medication, the date and time the medication was given, the amount and dosage, and the name and signature of the person who gave the medication. This record must be initialed, or signed, by the program personnel who gave the medication. The record must be maintained for a minimum of twelve (12) months after the last day the child received the dosage.
- G. All medication must have child resistant caps, if applicable, and must either be stored in a locked area, or must be out of any child's reach. If medication is stored in the food

- preparation area, it must be stored in a manner to prevent contamination of food, food contact surfaces, or medication.
- H. Medication that has expired, or that is no longer being dispensed, must be returned to the custodial parent, or legal guardian, or discarded.
 - I. Prior to administering medication to children, child care personnel responsible for administering medication must be educated on proper administration procedures.
 - J. Written documentation must be maintained in the personnel file that child care personnel administering medication have been educated on proper administration procedures.
 - K. Child care personnel must ensure sun safety for themselves and children under their supervision. It is recommended that infants younger than six months of age are kept out of direct sunlight, limiting sun exposure when ultraviolet rays are strongest. Sunscreen may only be utilized with written permission from parents/guardians. Manufacturer instructions must be followed.
 - L. Use of diaper creams and insect repellent may only be utilized with written permission from parents/guardians. Manufacturer instructions must be followed.
 - M. Sunscreen, diaper cream, and insect repellent do not need to be documented on the medication log unless prescribed by a physician.

7 Record Keeping

Each of the records described in this section must be maintained at the program location and must be available during the hours of operation for review by [DOH-Palm Beach](#) the licensing authority:

- A. A copy of all background screening clearance documents for the director and owner must be provided to [DOH-Palm Beach](#) to be included in [DOH-Palm Beach](#)'s official licensing file.
- B. The following is a list of documentation that is required to be at the facility for review by [DOH-Palm Beach](#) the licensing authority:
 - 1. Transportation log must be retained for a minimum of twelve (12) months.
 - 2. Documentation of parental permission for field trips and food activities/special occasions must be retained for a minimum of 12 months.
 - 3. Facility's written discipline and expulsion policies.
 - 4. Daily attendance of children records must be maintained for a minimum of twelve (12) months.
 - 5. Written record of fire drills must be maintained for a minimum of twelve (12) months.
 - 6. Documentation of child care personnel that have met the first aid and pediatric and child cardiopulmonary resuscitation (CPR) certification requirement.
 - 7. Posted emergency telephone numbers, the facility address, and directions to the facility.
 - 8. Documentation of accidents/incidents must be maintained for twelve (12) months from the date of the accident/incident.
 - 9. Documentation of emergency preparedness plan drills must be maintained for twelve (12) months from each drill.
 - 10. Record for each child receiving medication must be maintained for a minimum of twelve (12) months, after the last day the child received the dosage.
 - 11. Any child requiring a special diet shall have a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet as documentation in the child's file for as long as the child is in care. Documentation of physician prescribed automatic feeding device must be in the child's file for as long as the child is in

care. Documentation of a physician's authorization permitting solid food to be fed to an infant younger than 4 months or in bottles or infant feeders to children with normal feeding habits must be maintained in the child's file for as long as the child is in care.

12. Documentation of known food allergies (if applicable) must be maintained for as long as the child is in care.
13. Daily meal and snack menus, including meal substitutions must be maintained for a minimum of twelve (12) months.
14. Food Acceptance Log must be maintained for a minimum of twelve (12) months.
15. Copy of license or permit for caterers.
16. If a caterer is used and is responsible for dishwashing food equipment, tableware and utensils used to prepare food, a written agreement must be available for licensing to review.
17. Documentation of emergency care plan, if applicable, must be maintained for as long as the child is in care.
18. Daily indoor inspection log must be maintained for a minimum of twelve (12) months.
19. Documentation of monthly maintenance inspections for all supports above and below the ground, connectors, and moving parts of playground equipment.
20. Documentation of carbon monoxide detector maintenance and testing, if applicable, must be maintained for a minimum of twelve (12) months.
21. Any child requiring an alternate sleep position shall have documentation of a physician's authorization for an alternate napping/sleeping position and/or swaddling must be maintained in the child's file for as long as the child is in care.
22. Documentation of unitary surface materials tested to and complying with ASTM F1292, if applicable.
23. Documentation of fire extinguisher training for all child care personnel.
24. ~~DCF~~The Department's Training Transcript for each child care personnel as documentation of completion of introductory training, early literacy training (if applicable), school-age training (if applicable), safe sleep training (if applicable), and transportation training (if applicable).
25. Annual in-service training documented on CF-FSP Form 5268, Child Care In-Service Training Record for all child care personnel.
26. Documentation of medication administration training, if applicable.
27. Documentation of training on water safety devices (a ring buoy and rope, a rescue tube, or a throwing line, and a shepherd's hook), if applicable.
28. Florida Certification of Immunization form or the Religious Exemption from Immunization form for each child in care.
29. A Student Health Examination form for each child in care.
30. A written exposure plan regarding universal safety precautions and documentation that child care personnel have been educated before beginning to work and/or participated in the facility's annual refresher education for the exposure plan.
31. Documentation of an annual vehicle inspection by a mechanic for any vehicle used to transport children in care, if applicable.
32. Documentation of insurance for vehicles used by the facility to transport children in care.
33. Documentation of credentialed personnel's work schedules for a period of twelve (12-) months.
34. If the facility provides transportation, the driver's personnel file must have documentation of driver's license and physical examination granting medical approval to operate a vehicle.
35. Documentation of each volunteer's hours must be maintained for a minimum of

twelve (12) months.

36. Documentation of background screening for all child care personnel, and household members, if applicable, must be on-site and available for review.
- ~~37.~~ A complete employment application for each child care personnel employed at the facility.

- 37.
38. A current child care application for enrollment, CF-FSP Form 5219 or equivalent, for each child enrolled at the facility.
 39. Documentation from parent/guardian for receipt of Know Your Child Care Facility brochure, and food and nutrition policies, Influenza Virus Guide to Parents brochure, and Distracted Adult brochure.
 40. Written policy and procedures to identify and prevent shaken baby syndrome and abusive head trauma, if applicable.
 41. Written plan for reporting and managing any incident or unusual occurrence that is threatening to the health, safety, or welfare of the children or child care personnel.
 42. A written emergency preparedness plan that includes procedures to be taken by the facility during a fire, evacuation, relocation, shelter in place, lockdown, and inclement weather; facilitating parent/guardian reunification onsite and offsite; notifying and updating parents/guardians; and meeting the needs of all children during and following an emergency event.
 43. Written routine schedule for cleaning, sanitizing, and disinfecting equipment, materials, furnishings, and play areas.
 44. Documentation of the director working the majority of hours on-site at the facility.
 45. Prescription, and non-prescription, medications that are used on an "as needed" basis require documentation on the authorization form to describe symptoms that would require the medication to be given.
 46. A written plan of scheduled activities must be posted.
 47. Written approval from the local governing body to verify compliance with building requirements, if applicable.
 48. Written permission from parent, or guardian, authorizing child care personnel to administer medication, diaper cream, sunscreen, or insect repellent, if applicable.
 49. Current vaccination records for any animals at the facility, if applicable.
- C. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information. Electronic records are acceptable for documentation as long as the records are available and accessible for review DOH- Palm Beach by licensing authority during an inspection.

7.1 Immunization Records

The child care facility is responsible for obtaining for each child in care a current, complete and properly executed Florida Certification of Immunization form Part A-1, B, or C, DH 680, which is incorporated by reference in rule 65C-22.001(7)(o), F.A.C., or the Religious Exemption from Immunization form, DH 681, which is incorporated by reference in rule 65C- 22.001(7)(p), F.A.C., from the custodial parent, or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department. Specific immunization requirements are included, and detailed, in the most current edition of the "Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes" as promulgated by the Florida Department of Health. Florida Certificate of Immunization form may be obtained at (click here for link).

~~A. A. Immunizations received out-of-state are acceptable; however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida.~~

~~B. If the custodial parents or legal guardians fail to provide the documentation required above, at the timewithin 30 days of enrollment, the facility shall not allow the child to remain in the program. The parent/guardian of a child who has not received the age-appropriate immunizations, prior to enrollment, and who does not have documented~~

medical or religious exemptions religious exemptions from routine childhood immunizations must provide from routine childhood immunizations must provide

documentation of a scheduled appointment, or arrangement to receive immunizations. Providers must include a general statement in parent handbook/policies to inform parents/guardians, at time of enrollment, that some children in care may not have current immunizations. [Religious Exemption From Immunization form may be obtained from \(Click here for link\).](#)

~~C-B.~~ School-aged children attending public, or non-public, schools are not required to have student health examination and immunization records on file at the child care facility, as such records are on file at the school where the child is enrolled.

~~D-C.~~ If the custodial parents or legal guardians need assistance concerning these requirements, the facility shall refer them to the Department of Health or to the child's physician.

~~E-D.~~ Medical records in this section are the property of the custodial parent, or legal guardian, and must be returned to them when the child withdraws from the facility. The medical records are transferable if the child attends another facility.

~~E.~~ It is recommended that child care personnel are current with all immunizations routinely recommended for adults by the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in [rule 65C-22.001\(7\)\(v\), F.A.C. Caring for Our Children Basics, Health and Safety Foundations for Early Care and Education may be obtained at \(Click here for link\).](#)

F.

7.2 Student Health Records

The child care facility is responsible for obtaining for each child in care a current, complete, and properly executed Student Health Examination form DH 3040, which is incorporated by reference in [rule 65C-22.001\(7\)\(q\), F.A.C.](#) and may be obtained from the local county health department, the parent or legal guardian, or a signed statement by authorized professionals that indicate the results of the components of the Student Health Examination form are included in the health examination. [School Entry Health Exam form may be obtained at \(Click here for link\).](#)

A. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

B. The Student Health Examination, or the signed statement, is valid for two years from the date the physical was performed. An up-to-date version must be on file for as long as the child is enrolled at the facility.

C. If the custodial parents, or legal guardians, fail to provide the documentation required above, ~~at the time~~[within 30 days](#) of enrollment, the facility shall not allow the child to remain in the program.

D. School-aged children attending public, or non-public, schools are not required to have student health examination and immunization records on file at the child care facility, as such records are on file at the school where the child is enrolled.

E. If the custodial parents, or legal guardians, need assistance concerning these requirements, the facility shall refer them to the Department of Health or to the child's physician.

F. Medical records in this section are the property of the custodial parent, or legal guardian, and must be returned to them when the child withdraws from the facility. The medical records are transferable if the child attends another facility.

~~G.~~ Any child who has, or is at an increased risk for, a chronic physical, developmental, behavioral, or emotional condition and requires additional services must have a current Emergency Care Plan, prepared by the parent/guardian or physician, included in the

child's file and readily accessible for those caring for the child. Child care personnel caring for a child with an Emergency Care Plan must be trained to recognize and respond appropriately to a medical emergency.

G-

7.3 Enrollment Information

The facility operator shall obtain enrollment information from the child's custodial parent, or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Child Care Application for Enrollment, which is incorporated by reference in [rule 65C-22.001\(7\)\(f\)](#), F.A.C., or an equivalent form that contains all the information required by ~~DOH-Palm beach~~ [the Department](#) on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from ~~the DOH-Palm Beach~~ [licensing authority](#), or on the [DCF department's website at www.myflfamilies.com/childcare](#). ~~(Click here for link).~~

- A. Enrollment information shall be kept on file, current and available for review by [DOH-Palm Beach](#) ~~the~~ licensing authority.
- B. The enrollment information shall include, in writing, permission for the facility to release the child to any person(s) authorized, or in the manner authorized, by the custodial parent, or legal guardians. The name, address, and phone number of authorized persons must be in the enrollment information.
- C. There shall be signed statements from the custodial parents, or legal guardian, that the child care facility has provided them with the following information:
 - 1. The Department's child care facility brochure, CF/PI 175-24, Know Your Child Care Facility, which is incorporated by reference in [rule 65C-22.001\(7\)\(m\)](#), F.A.C. This brochure may be obtained from the [DCF department's website at www.myflfamilies.com/childcare](#). ~~(Click here for link).~~ ~~Local licensing agencies may use an equivalent brochure approved by the Department.~~
 - 2. The child care facility's written disciplinary and expulsion policies.
 - 3. The child care facility's food and nutrition policies that includes language on food safety and food allergens.
 - 4. ~~Annually, during the months of August and September, the child care facility must provide parents/guardians of children enrolled in the facility with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers, the Department developed a brochure, CF/PI 175-70, Influenza Virus, Guide to Parents, which is incorporated by reference in 65C-22.001(7)(n), F.A.C. and may be obtained from the Department's website at www.myflfamilies.com/childcare.~~
 - 5. ~~Annually, in the months of April and September, the child care facility must provide parents/guardians of the children enrolled in the facility with information regarding the potential for distracted adults to fail to drop-off a child at the facility and instead leave them in the adult's vehicle upon arrival at the adult's destination. CF/PI 175-12, brochure, which is incorporated by reference in 65C-22.001(7)(x), F.A.C. and may be obtained from the Department's website at www.myflfamilies.com.~~
- D. Enrollment information shall include parental/guardian consent for child care personnel to have access to child's records.

7.4 Personnel Records

Records must be maintained, and kept current, on all child care personnel, as defined by Section 402.302(3), F.S. These records shall be on-site, available for review by the licensing authority and must include:

- A. A complete employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.
- B. Documentation of position and date of employment.
- C. ~~CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference in [rule 65C-22.001\(7\)\(l\)](#), F.A.C., must be signed on or before~~

- C. hire date and annually thereafter by all child care personnel. [CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements may be obtained at \(Click here for link\).](#)
- D. Copies of training information and credentials as applicable.
- E. For the driver only: Florida driver's license and driver physical examination documentation. A copy of the driver's license and the physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training, pediatric cardiopulmonary resuscitation (CPR) procedures, and background screening must also be maintained in the driver's personnel file.
- F. Prior to beginning volunteering in a child care facility, a CF-FSP 5217, Volunteer Acknowledgment which is incorporated by reference in [rule 65C-22.001\(7\)\(e\), F.A.C.](#), and may be obtained from [DCFthe Department's website ~~www.myflfamilies.com/childcare~~\(Click here for link\)](#), must be completed, and on file, at the child care facility for the volunteer. Written documentation of volunteer hours must be maintained at the facility for a minimum of [twelve \(12\) months](#), and available for review by [the DOH-Palm Beach](#) licensing authority. [CF-FSP 5217, Volunteer Acknowledgment may be obtained at \(Click here for link\).](#)

7.4.1 Background Screening Documents

Background screening documentation must be maintained for all child care personnel as defined by Section 402.302(3), F.S., which includes household members if the facility is located in or adjacent to the home of the operator. Background screening documentation must be on-site and available for [DOH-Palm Beach](#) the licensing authority to review.

- A. Each ~~personnel~~ record must have a completed CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in [paragraph rule 65C-22.001\(7\)\(b\), F.A.C.](#) [CF-FSP Form 5131, Background Screening and Personnel File Requirements may be obtained at \(Click here for link\).](#)
- B. CF Form 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference in [rule 65C-22.001\(7\)\(a\), F.A.C.](#), must be completed for all child care personnel at the time of initial screening, or upon change in employers. CF Form 1649A may be obtained from [DCFthe Department's website at ~~www.myflfamilies.com/childcare~~\(Click here for link\)](#).
- C. A copy of the eligible results, for the Level 2 screening, generated from the Clearinghouse must be on record for each personnel. If awaiting ~~o~~Out-of-state criminal history results, a copy of the DCF email, informing of the individual's eligibility for a provisional hire status must be in the personnel file.
- ~~D. A copy of the DCF letter/email informing of search conducted of the Florida's child abuse and neglect registry must be on record for each personnel screened between July 1st and December 15th of 2016.~~
- ~~E.D.~~ A copy of each request made to out-of-state child abuse and neglect registries for individuals who lived outside the state of Florida in the preceding five years.
- ~~F.E.~~ A copy of each search conducted for out-of-state sexual offender/predator registries for individuals who lived outside the state of Florida, in the preceding five years.
- ~~G.F.~~ A copy of all background screening clearance documents for the director, and owner, must be included in [DCFthe Department's](#) official licensing file or in accordance with, the appropriate local licensing agency requirements.
- ~~H.G.~~ A copy of the Juvenile Records Check with FDLE for any household

members aged ~~twelve~~ (12)–to ~~seventeen~~–(~~seventeen~~ (17))–years, if facility is located_i in or adjacent to_i home of the operator.

7.5 Daily Attendance

Daily attendance of children must be taken_i and recorded accurately_i by the child care personnel, documenting the time when each child enters_i and departs_i the program.

- A. Attendance devices₁ used for the purposes of tracking attendance₁ may be used, but personnel must ensure the accuracy of the documented attendance. Each classroom must have an attendance sheet/class roster for the group of children occupying that space. Attendance sheet/class roster must accompany the child care personnel₁ and the group of children₁ throughout the day₁ should they leave the classroom.
- B. The custodial parent₁ or guardian₁ may document the time when his/her child enters and departs the child care facility or program. However, child care facility personnel are responsible for ensuring that attendance records are complete and accurate.
- ~~C.B. REMOVED.~~
- ~~D.C.~~ Attendance records must be maintained for a minimum of twelve (12) months.
- ~~E.~~ Attendance records for Voluntary Pre-Kindergarten₁ or School Readiness₁ may be used, if applicable.
- ~~D.~~
- ~~8. eighteen (1) ten (1) ten (1) Access/Child Safety Access~~

8 Drop-in Child Care

Where drop-in child care is provided, the child shall be in care for no more than a four (4)-hour period, and the parent shall remain on the premises of the shopping mall, or business establishment, at all times while the child is in care at the facility. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted.

8.1 Ratios

Where drop-in child care is provided, and there are children in numbers, and of an age that only one (1) staff member need be present to maintain the staff ratios, a second staff member shall be on hand at the facility at all times. This additional staff member shall assist in supervision, in the event of an emergency.

The following staff-to-child ratios are based on primary responsibility for the supervision of children:

<u>Age of Child(ren)</u>	<u>Staff: Child Ratio</u>
<u>Infant</u>	<u>1:2</u>
<u>1 year</u>	<u>1:4</u>
<u>2 years of age</u>	<u>1:6</u>
<u>3 years of age</u>	<u>1:8</u>
<u>4 years of age</u>	<u>1:10</u>
<u>5 years of age, or older</u>	<u>1:15</u>

9 Physical Environment

9.1 Outdoor Play Area

Drop-in child care facilities shall be exempt from the requirement for outdoor play space. However, where outdoor play space is provided, it shall meet the requirements for child care facilities as set forth in these rules.

9.2 Fire Safety

Drop-in child care facilities shall be exempt from this requirement, but shall be required to have, on file, at the facility, an emergency evacuation plan approved by the Fire Authority having jurisdiction, and shall maintain documentation, on file, of related training provided to child care facility staff.

9.3 Napping/Sleeping Requirements

Drop-in child care facilities shall be exempt from the requirements of napping/sleeping, with the exception that where children elect to nap or sleep, they shall be provided with separate beds, cots, or cribs, as set forth herein.

9.4 Planned Activities

Drop-in child care facilities shall be exempt from this requirement.

10 Record Keeping for Drop-in Care

10.1 Daily Attendance

Drop-in child care facilities shall also maintain a sign-in/sign-out daily attendance log, including day, date, time of arrival and departure, and signatures of the parent obtained at drop-off and pick-up.

10.2 Immunization and Student Health Records

Drop-in child care facilities shall be exempt from the requirement for the physical examination and immunization certificate. In lieu of these, at the time of drop-off, the facility shall obtain from the parent of the child, a signed statement attesting that the child is in good health, not suffering from any communicable disease, and current in all required immunizations. The facility shall also obtain and maintain with this statement, a copy of the parent's photo identification bearing current address. The facility shall ascertain from the parent that the address provided is correct. This shall be kept on record at the facility for a minimum of six (6) months.

11 Food and Nutrition

For drop-in child care, where children are in care for three (3), or more, hours, a nutritious snack shall be provided.

12 Access/Child Safety

12.1 Access

- A. A child care facility must provide the custodial parent or legal guardian access, in person and by telephone, to the child care facility during the facility's normal hours of operation, or during the time the child is in care.
- B. The child care facility must not interfere with, or prevent the licensing authority from, copying records, photographing or recording a location or activity on the premises, as documentation for the inspection.

8.1

- 1** ~~A child care facility must provide the custodial parent or legal guardian access, in person and by telephone, to the child care facility during the facility's normal hours of operation or during the time the child is in care.~~

- ~~2. The child care facility must not interfere with or prevent the licensing authority from copying records, photographing or recording a location or activity on the premises as documentation for the inspection.~~

8-212.2 Child Safety

- A. Acts, or omissions, that meet the definition of child abuse, or neglect, provided in Chapter Section 39, F.S. or Chapter 827, F.S., constitute a violation of the standards in section 402.301-.319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S.
- B. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of the standards in Section 402.301-.319, F.S.
- C. Child care personnel must appropriately interact with children to foster a healthy, safe environment that will encourage the child's physical, intellectual, motor, and social development. Interactions with children that are aggressive, demeaning, or intimidating in nature are strictly prohibited.

13 Classification of Violation

A violation is noncompliance with any provision of Sections 402.301 - 402.319, F.S., or these rules. DOH-Palm Beach will use the following classifications as a guideline for determining the severity of violations of these Rules:

- A. Class I Violations: An incident of noncompliance with a Class I standard as described in the Child Care Facility Standards Classification Summary. Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety, and well-being of a child.
- B. Class II Violations: An incident of noncompliance with a Class II standard as described in the Child Care Facility Standards Classification Summary. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety, or well-being of a child, although the threat is not imminent.
- C. Class III Violations: An incident of noncompliance with a Class III standard as described in the Child Care Facility Standards Classification Summary. Class III violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.
- D. Technical Support Violation: An incident of noncompliance with Class II or Class III standards for which a fine is not recommended in keeping with DOH-Palm Beach Progressive Enforcement Matrix. This includes the first occurrence of noncompliance with an individual Class II standard, or the first and second occurrence of noncompliance with an individual Class III standard.
- E. In addition to the provisions previously set forth in these rules, it is a violation of these rules to:
 - 1. Failure, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment, licensure or certification regulated herein, all information required, or a material fact used in making a determination as to such person's qualifications to be a child care personnel, in a child care facility, or another child care program.
 - 2. Operate, or attempt to operate, a child care facility under a license or certificate that is revoked or terminated.

3. Misrepresent, by act or omission, a child care facility to be dually licensed pursuant to this rule without being so licensed.

13.1 Disciplinary Sanctions

A. Disciplinary Sanctions

1. Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, owners/operators will be offered technical assistance in conjunction with disciplinary sanctions. DOH-Palm Beach shall take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.
2. Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within DOH-Palm Beach's Child Care Facility Standard Classification Summary.
3. A violation of a Class II standard that results in death, or serious harm, to a child shall escalate to a Class I violation.
4. DOH-Palm Beach will follow the progressive enforcement matrix for licensing violations that occur within a two-year period. Disciplinary sanctions include fines, probationary license, and denial, or revocation of license. Disciplinary sanctions for licensing violations shall be progressively enforced as follows:
 - a) Class I Violations:
 1. For the first violation of a Class I standard, DOH-Palm Beach, shall impose a fine of \$300 for each violation.
 2. For the second violation of a Class I standard, DOH-Palm Beach, shall impose a fine of \$400 for each violation.
 3. For the third violation of a Class I standard, DOH-Palm Beach, shall impose a fine of \$500 for each violation and recommend to council suspend, deny, revoke, or probationary status of license.
 - b) Class II Violations:
 1. For the first violation of a Class II standard, DOH-Palm Beach, shall provide technical support to operator.
 2. For the second violation of a Class II standard, DOH-Palm Beach, shall impose a fine of \$125 for each violation.
 3. For the third violation of a Class II standard, DOH-Palm Beach, shall impose a fine of \$250 for each violation.
 4. For the fourth violation of a Class II standard, DOH-Palm Beach, shall impose a fine of \$400 for each violation.
 5. For the fifth violation of a Class II standard, DOH-Palm Beach, shall impose a fine of \$500 for each and violation and suspend, deny, or revoke license.
 - c) Class III Violations:
 1. For the first violation of a Class III standard, DOH-Palm Beach, shall provide technical support to operator.
 2. For the second violation of a Class III standard, DOH-Palm Beach, shall provide technical support to operator.
 3. For the third violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$50 for each violation.
 4. For the fourth violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$100 for each violation.
 5. For the fifth violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$150 for each violation.

6. For the sixth violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$200 for each violation and suspend, deny, or revoke license.
- d) Class III for Children's Student Health Exam & Immunization Records:
1. For the first violation of a Class III standard, DOH-Palm Beach, shall provide technical support to operator.
 2. For the second violation of a Class III standard, DOH-Palm Beach, shall provide technical support to operator.
 3. For the third violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$50 for each violation.
 4. For the fourth violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$100 for each violation.
 5. For the fifth violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$150 for each violation.
 6. For the sixth violation of a Class III standard, DOH-Palm Beach, shall impose a fine of \$200 for each violation and suspend, deny, or revoke license.
- e) Additional Enforcement Details
1. Each fine listed above is the amount that may be fined for each day that the violation exists.
 2. Violations that are not corrected on re-inspection will be counted as a second violation.
 3. The first-Class II violation and the first and second Class III violations are listed as Technical Support. However, they are recorded, and tracked, as violations of the applicable standards.
 4. A copy of Palm Beach County Child Care Licensing Progressive Enforcement Matrix may be obtained on DOH-Palm Beach's website at ([Click here for the link](#)).
- B. In addition to the revocation procedures set forth, any violation of Chapter 59-1698 Laws of Florida, or these rules, is subject to enforcement by DOH-Palm Beach through the Palm Beach County Environmental Control Hearing Officer pursuant to Chapter 77-616, Laws of Florida. Such enforcement is brought before the Environmental Control Hearing Board, which is authorized to issue fines of up to five hundred dollars (\$500) per violation, per day of violation. In keeping with the progressive disciplinary sanctions outlined above, the most recent ~~two~~ (two (2))-year history of violations at a child care facility shall follow the operator of the facility in the event of relocation, incorporation, or resumption of operation within a two (2)-year period after closure. Violations of these Rules may result in the issuance of an order requiring the owner/operator of the facility to appear before the Environmental Control Hearing Board and show cause why a civil penalty should not be imposed, and/or corrective action against the owner of the facility be taken. Thereafter, the Environmental Control Hearing Board (ECHB) will convene, hear the matter, and, if a violation is found to have occurred, issue an order that may require corrective action and/or payment of a fine. Failure to pay any such fine shall result in the filing of a lien against, any and all, property of the facility owner. The provision of this paragraph describes an additional and supplemental means of enforcement. Nothing contained in this paragraph shall prohibit the County from enforcing these Rules and Regulations by any other means, including, but not limited to, the institution of time-limited corrective action plans for the child care facility and/or referral to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of Florida.

- C. Each day of violation shall be considered a separate and distinct violation.
- D. Members of the Council and its representatives may enter, and inspect, child care facilities, at reasonable hours, and may question such persons and investigate such facts, conditions, and practices, or matters, as may be necessary, or appropriate, to determine whether any person has violated any provisions of the Act, or of any rule, or regulation, issued hereunder. The right of entry and inspection shall also extend to any premises which DOH-Palm Beach has reason to believe are being operated, or maintained, as a child care facility without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof, unless a warrant is first obtained from the circuit court authorizing same. Any application for a license or renewal made pursuant to these rules, or any advertisement to the public of child care facility as defined herein shall constitute permission for entry or inspection of any premises for which such license is sought to facilitate verification of the information submitted on, or in, connection with the application. If a licensed facility refuses permission for entry or inspection to DOH-Palm Beach, a warrant shall be obtained from the circuit court authorizing same, prior to such entry or inspection. Disciplinary action may also be instituted for failure to allow entry.
- E. In addition to conspicuously posting the license, the child care facility shall post with the license:
 - 1. Each citation for a violation of any standard, or requirement, of these rules and regulations that has resulted in disciplinary action issued by the Environmental Control Hearing Board.
 - 2. An explanation, written in simple language, of the corrective action, if any, taken by the facility for each citation. Included in the description shall be the dates on which the corrective action was taken.
 - 3. Each citation, explanation, and description of corrective action shall remain posted for one (1) year after the date of the Environmental Control Hearing Board's Order.
- F. Should DOH-Palm Beach determine that any facility child care personnel make any misrepresentation to a parent who has placed a child in the child care facility, and the parent relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act, or negligence, by the facility child care personnel, then such matter may be referred to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of Florida. Additionally, such actions shall be grounds for revocation, or denial, of a license pursuant to procedures.